Legal Provisions

FOR THE

POOR.

I. Of the feveral Sorts of 7. Of the Relief of Ba-Poor. ftard Children, and Pu-

2. Of Rates and Taxes for the Relief of the Poor.

3. Of Binding poor Children Apprentices.

4. Where the Poor shall be reliev'd by their Relations.

5. Of Work-houses, and Houses of Correction.

6. Of Settlements, Removals, and Orders of the Justices, both in and out of Sessions.

7. Of the Relief of Baftard Children, and Punishment of their reputed Parents.

 Of Rogues, Vagrants, and passing them to their respective Habitations.

9. Of providing Houses for poor People.

10. Of the General Privy Search.

11. Precedents of Orders, Warrants, &c.

WHEREIN

The Statutes and Resolutions of the Judges on these Subjects, are consider'd and explain'd.

By S. C. of the Inner-Temple, Esq;.

The Fifth Coition, in which are added all the late Statutes and Resolutions relating to the Poor, down to the present Year, 1725.

In the SAVOY:

Printed by E. and R. Nutt, and R. Gosling, (Assigns of Edmard Sayer, Esq.) for J. Walthoe in the Middle-Temple-Cloysters, and J. Walthoe jun. over-against the Royal Exchange in Cornhil. 1725.

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PREFACE.

AILY and uninterrupted Experience, fince the Times of our bleffed Saviour, hath fufficiently confirm'd the Truth of his Prediction, The Poor you will have with you always; and from those Primitive Times in all Ages of Christianity, Charitable Provifions and Supplies have been made for them. In the first Age voluntary Contributions were rais'd in an extraordinary Manner; the Poor were (as it were) Tenants in Common with the Rich in their Possessions, and their (Agapa) Love-Feasts were but the Refults of this Divine Disposition. But these High Flights of Charity soon flagg'd, their Zeal languish'd and dwindled by Degrees, and that Brotherly Kindness, which then was the distinguishing Character of a Christian, Ecce

(Ecce quam se diligunt Christiani!) soon degenerated into Sourness and Selfinterest, insomuch that the Christian Emperors, upon necessary Maxims of State, were forc'd to enact Laws, and establish Edicts, whereby the Rich, and Men of Ability, might be oblig'd to do that by Compulsion which they were not willing to do out of Choice: And fuch politick Constitutions were certainly founded upon good Consideration. Within the respective Precincts and Divisions, there were certain stated Allowances affign'd for them which avoided Confusion, and every Person being proportionably rated according to his Ability, render'd the Conduct of this important Affair more easie and impartial.

The Reason of the Numerosity of the Poor in our Age above what was formerly, has by many been differently assign'd. I have oft thought of the Opinion of Wadham Wyndham, by him deliver'd at the King's Bench: We hear (saith he) little of any settled Law for the Relief of the Poor before Q. Elizabeth's Time,

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Time, for they encreas'd much upon the Dissolution of Abbies. It is not to be doubted but those Religious Houfes (which were many, and richly endow'd) might and did administer great Supplies to the poor Neighbourhood, and the Hospitalities of Lords and Country Gentlemen (being in those Times very fashionable) were confiderable Affistances to their Dependants. But in the Time of that wife Princess, when Trade flourish'd, Commerce improv'd, and England became denizen'd with Persia, China, and Peru; then the Foreign Commodities and Luxuries were imported together, and Plenty produced fuch an Habitual Idleness, that the Statesmen of those Days faw it necessary to advance Ways and Methods to force the sothful Poor to work, and the Rich to contribute: And yet their Designs have not anfwer'd. We have Swarms of Poor still, and young lusty Beggars (those Spectacula opprobrii in a well regulated State) make up a considerable Part of our People. I have A 3

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I have been much delighted with a little Piece of Chief Justice Hale's, con-cerning setting the Poor to work. His Methods are naturally productive of the Design, and the Consequences are of great Importance. It's true, fome fofter Names than those of Bridewell, Houses of Correction, and Work-bouses, and good Management, would invite the young Ones into a working Society. with Credit and Delight, and their Continuance there for a stated Time should be equivalent to an Apprenticeship. And then Industry and Emulation in Trade would be fashionable. and the Criminals might receive Chaftisement in separate Places. It must be confess'd we have now excellent Laws relating to the Poor, were they duly executed, and the Execution thereof well encouraged and rewarded; and many have wrote upon them. I have perus'd Lambard, (who is in many of these Points antiquated) Dalton, Keble, besides other little Guides and Manuals; but I find the Titles relating to the Poor confusedly handled; they are guided more

more by an Alphabet, than the natural Method. The Cases and Resolutions upon the Laws are few, and those that are cited are not well stated and digested, and the Resolutions (for that Reason) seem to be sometimes different and contrary: Nay, many times the interlocutory Discourses of the Judges, upon a single Argument, they thrust in as an adjudg'd Case, as you may see in one Instance in this Treatise; I mean about the Clause in the Act of 43 Eliz. for compelling Parishioners to take poor Children Apprentices.

I have endeavoured to cast the Resolutions and Judgments of Law under the proper Branches in every Act of Parliament, and each Branch under its proper Head; by which one may see (as it were) with one Glance how the Law is alter'd, explain'd, or sup-

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I hope a portable Treatife of this Nature may be acceptable, and the Perusal hereof tend to the Information and Delight of many Gentlemen; who tho they are not Lawyers by Profession.

fession, yet are Persons of good Education, and great Sense and Usefulness in their Country. Those sew Remarks of my own which I have made, are but Opinions, which I submit to their Judgments; and the Mistakes which I have committed, to their Candor and Ingenuity.

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P.

Of Settlements; What hath been deem'd a legal Settlement or not; what Justices are impower'd about removing and settling of Wife, Children, Servants. Of Settlement in Reference to Bastards and their Mothers. Of Settlement by the Act of 14 Car. 2. Of Disturbance within forty Days. Of Removal. Who are likely to be chargeable, or not. Of Security for saving the Parish harmless. Of the Act of Settlement made 3 & 4 W. & M. and how far the Law is alter'd thereby.

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LAWS

LAWS

Concerning the

POOR.

CHAP. I.

Of the Poor in general. Of the several Sorts of Poor, and how distinguished and ranked, in order to the clearer Methodizing the ensuing Treatise.

EFORE I come to treat of the Laws concerning the Poor, I conceive it will be needful to distinguish of the several Sorts of Poor, and shew how they are respectively to be either provided for, or punish'd, according as their Circumstances and Cases shall require. The Scheme then is in this Manner.

There are three Sorts or Degrees of Poor:

The Aged and Decrepid.

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2 Of the several Sorts of Poor. Ch. 1.

The Infant fatherless and motherless, not able to work.

The Person naturally disabled in Mind or Bo-

dy, as Idiot, Lunatick, Blind, Lame, &c.

The Person visited with grievous Sickness and Diseases, and so for a Time becoming impotent.

2. Poor by Cafualty. As,

Soldiers, Labourers, &c. which are disabled

in Body.

The decay'd Housholder, who has had the Misfortunes of Fire, Water, Robbery, Suretyship, &c,

The poor Man overcharged with Children.

3. Thriftless Poor. As, The Riotous and Prodigal.

The Dissolute, as Strumpet, Pilferer, &c.

The idle flothful Person.

All fuch as wilfully spoil or imbezil their Work.

The Vagabond, and Vagrant, flurdy Beggar.

Thus I find them ranked by Mr. Dalton.

Now the only Statute that provides univerfally for the Poor, is the Statute of 43 Eliz. c. 2. Before this Statute we hear little of any Law for the Relief of the Poor, for that they much increased upon the Dissolution of Abbies. To which further Provision has been made by other Statutes, all which may be referred to these Heads:

1. For Relief of such as are not able to work and get their Livelihood.

By

Ch. 1. Of the feveral Sorts of Poor.

By Taxations, towards Food, Raiment, Houses and Habitations. Vide chap. 2. and 3. And this is either,

1. By their own Parish.

2. By neighbouring Parishes or Hundreds, where the proper Parish is not able.

3. By Relations which are able.

By Legal Settlements, to make them capable of Relief proper for their Circumstances. Vide chap. 7, 10, 11.

II. For fuch as are able.

1. Such as can work; and this is provided for by erecting Warehouses, and by a Stock to be rais'd. Vide chap. 6.

2. Such as are able, but want Skill; and this is provided for by fetting out Apprentices. Vide

chap. 4.

3. Such as are able, and have Skill, but want Liberty; as Prisoners. See chap. 3. pars posterior.

III. The due Relief and Punishment of such as are disabled by their own Default, as lewd Persons; and under this Head the Cases of Bastard Children may be placed; touching whom vide chap. 8. and 9.

IV. The Punishment and Dealings about Vagabonds, Rogues, and sturdy Beggars. Vide chap. 12, 13, 14.

Of these I shall treat according to the Method propos'd: But it being necessary in the first Place to define certain Terms or Words mentioned in the several Statutes to which this Discourse re-

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4 Of the several Sorts of Poor. Ch. 1.

lates, I shall here give the Legal Sense and Ex-

plication of them.

Apprentices. These are of two Kinds; 1. Common Apprentices, who are fuch Persons as are bound by themselves or Friends in Indentures of Covenant to serve some Tradesman or Artificer a certain Term, for the most Part 7 Years, in Order to learn some Art or Trade; the Master covenanting, that he will teach and instruct such Perfons therein. Vide Stat 5 Eliz. c. 4. 6. 31. 2. Parish Apprentices are such Children whose Parents being unable to provide for them, are between the Age of 7 and 15 put out at the Charge of the Parish; if Males, to serve till 24; if Females, till 21, or Marriage. Vide Stat. 43 Eliz. c. 2. 1 Fac. 1. c. 25. 3 Car. 1. c. 4. And this later Kind of Appentices is chiefly intended in this Discourse.

A Bestard is any Child born of a Woman never married, or whose Husband has been dead above 10 Months. Vide Co. Litt. 123. Sed nota .Cro. Fac. 541. If a Child be begotten by one on the Body of a Woman, and he after marries her, though by the Law of the Church this is legitimate, yet by our Law it is a Bastard. Statut. 20 H. 3. 9. and 1 H. 6. 3. Co. Litt. 244. But if one marry a Woman, and die before Night, and never bed her, and she have afterwards a Child within 10 Months, it shall be accounted legitimate, and the Husband's Child. And Note, He that marries a Woman having a Baffard Child, must (if able) provide for it. For the Punishment of the Mother and reputed Father of a Bastard, vide 18 Eliz. c. 3.

Children and Parents: As the Word Children comprehends Grandchildren, so the Word Pa-

Ch. 1. Of the Several Sorts of Poor. 5

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rents includes Grandfather and Grandmother-Vide chap. 5. Young Children, whose Parents are dead, are to be set at Work, or relieved at the Charge of the Town where they were dwelling at the Time of the Death of their Parents, and are not to be sent to the Place of their Birth; for if the Parents were Rogues, we must not make the Children Rogues. Per Fleming Ch. Justice. 11 Jac. 1. Weston and Cowlady.

Overseers and Churchwardens. Note, if there be but one Churchwarden in a Parish, he sufficeth, with the other Overseers, tho' the Statute 43 Eliz. chap. 2. says Churchwardens.

The Name and Office of Overseer is noted by Mr. Dalton to be of great Antiquity and Excellency; for though they are so denominated with Respect to their Employment, yet that Employment or Office must needs be honourable, seeing God himself taketh Care for the Poor, and hath a special Respect to their Necessities; and consequently those, who well officiate in this Office, do therein resemble God himself; and therefore the Justices of Peace, who, by the Stat. 43 Eliz. have the Appointing of these Overseers, ought therein to be very careful in chusing substantial and prudent Persons, having a Competency of Wealth and Wisdom, and, above all, Men of Integrity and a good Conscience.

The Office of these Overseers consists principally in two Things: 1. In taxing and raising Contributions of Money for Relief of the Poor: 2. In the legal and proper Distribution thereof.

I. In these Taxations, Consideration must be had, 1. to Equality; and, 2. to the Estate. Equality, for that Men ought to be equally rated B 2 with

6 Of the several Sorts of Poor. Ch. 1. with their Neighbours, and by an equal and full Proportion. Estates fall under a double Respect, viz. 1. According to the known yearly Value of their Lands or Farms in the Parish: 2. According to the Value of their Bona notabilia or known Goods. And neither of these are to be charged by Supposition or Report. And Mr. Dalton thinks fome Regard ought to be had to the Burthen or Charge of a Man's Family; for if one having 500 l. in Stock, &c. hath but himself to maintain, he ought to be rated as high as another who hath 100 l. with a Wife and Family.

II. As to the Distribution of these Taxations,

it is principally for three Purposes, viz.

1. For fetting the Poor at Work; in Order to which the Overfeers and Justices are enabled by the said Statute, 1. To raise a Stock; 2. To erect Workhouses; 3. To set up Trades; 4. To provide Materials; and, 5. To compel fuch Poor

(as are able) to work, &c.

2. For relieving the impotent Poor; which is done by weekly, monthly, or other Distributions of Money or other Necessaries to them. And this ought to be done with fuch Discretion and Moderation, as, 1. Not superfluous, that thereby they may not be encouraged in Idleness, or to indulge their Impotency; and 2. Not too small and scanty, that so they may not be induced to beg or steal, nor prove a lingering Death unto them.

3. For putting out Apprentices; and this has ever been esteem'd one of the best Expedients of providing for the Poor, being not only a Work of the highest Charity and Mercy towards such Children as are so put out, in fitting and enabling

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Ch. 1. Of the several Sorts of Poor. 7 them for a comfortable Subfishence, but it would likewise prove (if duly regulated) of mighty Benefit and Advantage to the Kingdom.

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Parish. The Court was moved to quash an Indictment of Affault and Battery of an Overfeer Villa de A. in the Execution of his Office. 1. Exception was, It should have been Overseer Parochiæ; there is no such Officer as Overseer Villæ. 2. There is no fuch Officer as Collector for the Poor. appointed for any one Man by the Law; the Statute faith, There shall be Overseers of the Poor in every Parish, and so the Office is joint, and not feveral. But both Exceptions were over-ruled

by the Court. Style's Rep. 148. Anonym.

Now because several Parishes, which are large, and had many Villages in the fame, could not take the Benefit of this Act, it being inconvenient because of the Multitude and Distance of Hamlets and Townships: Therefore a Clause was added by the Statute 14 Car. 2. c. 12. to comprehend them within the 43 Eliz. whereby it was enacted, That all poor, needy, impotent, and lame Persons, within every Township or Village of Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, and the Bishoprick of Durham, Cumberland, and Westmorland, and other Counties in England and Wales, where (by Reason of the Largeness of the Parishes) they cannot reap the Benefit of the Statute of 43 Eliz. shall be maintained, kept, provided for, and fet on work in the respective Township and Village wherein they inhabit, or were last lawfully settled. And that according to the Rules and Directions of 43 Eliz. yearly shall be chosen in every Township and Village two or more Overseers, who B 4

shall do, perform, and execute all fuch Acts. Powers, and Authorities, for the necessary Relief of the Poor within their faid Townships, and forfeit the like Penalties for Non-performance, as are limited and appointed by the faid Statute, 43 Eliz. Vide Explication of this Statute infra. where we shew what a Parish in Law is liable to be charged: And by the Statute 3 Car. 1. c. 4. in the Continuance of the Act, Fac. 1. c. 25. it is enacted, That the Churchwardens and Overseers of the Poor mentioned in the said Act of 43 Eliz. may, by and with the Confent of two or more Fu-Rices of the Peace, whereof one to be of the Quorum, within their respective Limits, wherein shall be more Justices than one; and where no more hall be than one, with the Confent of that one, let up, use, and occupy any Trade, Mystery, or Occupation, only for the Setting on work and better Relief of the Poor of the Parish, Town, or Place, of or within which they shall be Churchwardens or Overseers of the Poor, any former Statute to the contrary notwithstanding.

Rogue is so called by some, quia oftiatim rogat. A Nagabond is one who idly wanders about, having no certain House, Habitation, or Place of Residence, and is said to be sine Re, sine Fide, sine Spe, sine Sede. A Beggar is called Mendicus, quasi manu dicens, or speaking with his Hand, it being the Custom of old for such a one to hold

his Hand in Silence.

And yet it seems by the several Statutes made for the Punishment of Rogues and Vagabonds, &c. as if these Words in their legal Sense imported one and the same Thing; for as a Vagabond in its proper Sense signifies one that loiters and wan-

ders

Ch. 1. Of the several Sorts of Poor. 9 ders about, so a Rogue is thereby described after the same Manner, and the Words Vagus and Vagabundus signify the latter as well as the former; only as a Rogue or a Vagabond is any Person who wanders about idly, though he does not beg, so when he has this last Quality annexed to the former he becomes a sturdy Beggar. Vide post, chap. 12. and 13. particular Descriptions of Rogues, &c. as they fall under the several Statutes therein recited.

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I shall now proceed to the several Statutes relating to the Poor, and first to that of 43 El. c. 2. But herein I shall not take such Statutes in toto, or as they lie in gross in the several Acts themselves; but I shall reduce the particular Branches and Sections of each Statute under such proper Heads as I intend to treat of, and therein shew wherein such Branches and the Law thereupon is explain'd, alter'd, or supply'd, by any subsequent Statute. For this I take to be the best Method to avoid Consusion, and enable the Reader

CHAP. II.

Of setting the Poor to work. The Explication of the Statute 43 Eliz. c. 2. Of Children being set to work. Of Taxations. Who, and what, and in what Manner, to be taxed to the Relief of the Poor, and to raise a Stock. Of setting up any Trade. Of the Overseers Account, and their being reimburs'd. Of Resusers to pay, and the Penalties. What shall be said to be a Parish liable to relieve their own Poor. And where Parishes are large, containing several Villages, how to be taxed.

AT Common Law there was no Provision by Rates for the Poor.

But by this Statute the Churchwardens of every Parish, and sour, three, or two substantial Housholders there (according to the Greatness of the Parish) are to be nominated yearly in Easter Week, or within one Month after, under the Hands and Seals of two Justices of the Peace, (Quorum unus, dwelling in or near the same Parish, or in the Division where the Parish lies) who shall be called Overseers of the Poor for the same Parish.

Note, If it happen Overseers be not appointed according to this Statute of 43 Eliz. c. 2. then

Ch. 2. and of Taxes for their Relief. 11 every Justice of Peace, or Head Officer of that

every Justice of Peace, or Head Officer of that Division or Corporation, shall forfeit 51. to be levied by a Seffions Warrant, and employ'd to the Use of the Parishes where such Default is made. By the first Branch of this Statute, The Overseers, or the greatest Part of them, shall take Order from Time to Time, by and with the Consent of two or more Justices of the Peace in the same County, whereof one to be of the Quorum, for fetting to work the Children of all such whose Parents shall not by the Churchwardens and Overseers, or the greatest Part of them, be thought able to keep and maintain their Children; and also for setting to work all fuch Persons, married or unmarried, having no Means to maintain them, and use no ordinary and daily Trade of Life to get their Living by; and also to raise weekly, or otherwise, (by Taxation of every Inhabitant, Parson, Vicar, and other, and of every Occupier of Lands, Houses, Tithes impropriate, Propriations of Tithes, Coal-Mines, or saleable Underwoods, in the said Parish, in such competent Sum and Sums of Money as they (hall think fit) a convenient Stock of Flax, Hemp, Wooll, Thread, Iron, and other Ware and Striff, to set the Poor on Work: And also competent Sums of Money for and towards the necessary Relief of the Lame, Impotent, Old, Blind, and such other among them being Poor, and not able to work.

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Observe, Any one Justice of the Peace may fend to the House of Correction or Common Gaol such as shall not employ themselves to work, being appointed thereto by the Churchwardens and Overseers of the Poor of the Parish. 43 Eliz. c. 2. Dalt. P. 148. Edit. 1690. But of this plus infra.

12 Of fetting the Poor to work, Ch. 2.

Now for raifing a Stock to fet the Poor at work, it is by the faid Statute, 43 Eliz. c. 2. 6. 2. enacted, That the Churchwardens and Overfeers so to be nominated, or such of them as shall not be let by Sickness, or other just Excuse, to be allow'd by two such Justices of the Peace or more, as aforesaid, shall meet together at the least once every Month in the Church of the said Parish upon the Sunday in the Afternoon after Divine Service, there to consider of some good Course to be taken, and of some meet Order to be set down in the Premisses; and shall within four Days after the End of their Year, and after other Overseers are nominated, as aforesaid, make and yield up to two such Justices of Peace, as is aforesaid, a true and perfeet Account of all Sums of Money by them received, or rated and sessed and not received; and also of fuch Stock as shall be in their Hands, or in the Hands of any of the Poor to work, and of all other Things concerning their Office; and such Sum or Sums of Money, as shall be in their Hands, shall pay and deliver over to the faid Churchwardens and Overseers newly nominated and appointed, upon Pain that every one of them absenting themselves without lawful Cause, as aforesaid, from such Monthly Meeting for the Purpose aforesaid, or being negligent in their Office, or in the Execution of the Orders aforefaid, being made by and with the Affent of the faid Justices of Peace, or any two of them before mentioned, to forfeit for every such Default of Absence or Negligence 208.

This Section confifts of Three Parts.

n. The Churchwardens and Overseers are to meet monthly, to consider of some good Course to be taken, and Order to be set down in the Premisses; that is, the Raising a convenient WorkingCh. 2. and of Taxes for their Relief. 13 Working-Stock, by a Taxation upon the Inhabitants of the Parish, and Occupiers of Lands, Houses, &c.

2. To render an Account to two Justices of the Peace of fuch Sums of Money receiv'd, or tax'd and not receiv'd, and of the Stock, and what Sums are in their Hands to deliver over to

the new Overfeers.

3. The Forfeiture of their Absenting, or Neg-

ligence in the Premisses, 205.

A true and perfect Account. It must be obferv'd, that by the Statute, 18 Car. 2. c. 4. the Overseers are to give an Account of the Burials, according to the Woollen Act, upon Pain to forfeit 5 l. and their Accounts shall not be allow'd until they have accounted for the fame.

Note, Two Justices (Quorum unus) shall take the Accounts of Overfeers (and also of Churchwardens) in every of the following Particu-

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1. Of all Sums of Money by them received, or rated and not receiv'd.

2. Of all fuch Stock of Ware or Stuff as they,

or any of the Poor, have in their Hands.

3. What Apprentices they have put out, and bound, according to the Statute

4. What Poor they have fet to work, or re-

liev'd.

5. Whether they have fuffer'd any of their Poor to wander and beg out of the Town, or in the Highways, or in their Town, without their Direction.

7. Whether they have menthly met to con-

fider of these Things.

8. Whether they have affefs'd the Inhabitants and Occupiers of Land, &c. in their Parish i. e.

14 Of fetting the Poor to work, Ch. 2. all fuch as are of Ability, and with Indifferency and Equality.

8. Of all the Burials within their Precinct.

If any of the Churchwardens or Overfeers shall refuse to yield a True Account to the Justices, of all fuch Sums of Money, and of all fuch Stock, then any Two fuch Justices shall commit them to the common Gaol, there to remain without Bail till they have made a new Account, and paid to the new Overfeers fo much of fuch Money or Stock, as shall be remaining in their Hands; and if they make a false Account, they may be bound over to the Affizes or Sessions, and there an Indictment may be preferr'd against them. And if they shall refuse to pay and deliver such Arrears as shall be in their Hands due upon the Account, any two fuch Justices of the Peace may make their Warrant to the prefent or fublequent Churchwardens and Overfeers, or any of thein, to levy the same by Distress or Sale of the Offenders Goods, rendring back the Overplus; and in Defect of fuch Diffress, they may commit them to the Common Gaol without Bail till Payment or Delivery. Dalton 154.

Dom. Rex versus Carrock. 4 W. & M. B. R. The Defendant was committed by the Mayor and an Alderman, two Justices of Peace of Taunton, by Warrant reciting, that he and three others had been Overseers of the Poor of the Parish ofwithin the Borough, and duly fummoned to appear that Day, to shew Cause why they had not rendred an Account of Monies received and paid

by them to the Use of the Poor.

That the Defendant had appeared before them two Justices of the Peace, and being demanded to give a just and true Account of all such Monies

Ch. 2. and of Taxes for their Relief. 15 nies as had been received and paid, hath only produced an Account in Gross of his Receipts and Payments, and refuses to give a particular Account, or to shew his Books, by which he received the Monies on Rates assessed field, &c. And also a particular Account to whom he paid such Monies charged in Gross; and therefore they believ'd such Account to be no Account, according to the 43 Eliz. And the Defendant hath resus'd to give any other Account; therefore they commit him to be detained while he should make a true Account before them, or two other Justices of the Peace for that Borough.

And upon an Habeas Corpus he was discharged, per tot' Cur', because the Justices have no Authority to commit in this manner, by the 43 Eliz. for that an Account was confess'd to have been

rendred, &c. Shower 395.

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An Overseer accounted before two Justices, and his Account was allow'd: The Parish appeal'd to the Quarter-Sessions, and they disallowed the Account, and order'd him to pay so much

over, and for not doing it committed him.

Held that they should have levy'd the Arrears by Distress, and in Default of a Distress have committed him; for the Sessions must execute their Judgment in the same manner as the two Justices must do; and the Order was quash'd as to that Part. Reg. versus Hodges. Mich. 4. Anne, B. R. Salkeld 533.

And if any such Stock shall be in the Hands of any Poor to work, and such Poor shall refuse to deliver the same, it seems two such Justices may make the like Warrant to levy, & c. and in De-

fault thereof may commit, ut supra. ibid.

And

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And the Refusers to pay their Rates or Money affes'd upon them, and Overseers having Money or Stock behind upon their Account, their Forseitures shall be levy'd by the new Overseers and Churchwardens, or one of them, by Warrant from two such Justices, &c. But for other Negligences or Forseitures of the Overseers and Churchwardens, the Justices shall make their Warrant to the Constables to levy the same.

And if any Parish is not able to relieve their Poor, then any two such Justices may tax and assess any other Persons within the same Hundred to pay the Overseers of the said poor Parish such Sums of Money as the said Justices shall

think fit, for the Purpofes aforefaid. Ibid.

Mich. 32 Car. 2. B. R. Resolved that the Justices might impose the Charge upon any of the Inhabitants of the Neighbouring Parish, and were not obliged to put a general Tax upon the

whole Parish. Vent. 350.

Now as to Taxations, either for a Stock to fet the Poor to Work, or competent Sums of Money towards the necessary Relief of the Lame, Impotent, Old, Blind, &c. or for the putting forth of Children: let us consider.

I. What Perfons or Things are taxable.

II. In what Manner, or how Mens Estates are to be taxed.

III. What shall be faid to be a Parish chargeable to the Poor.

I. What Persons or Things are taxable.

1. Every Inhabitant, Parson, Vicar, and other. Now in the Judges Resolutions it was a Quere, what Proportion should Parsonages or Tithes bear to the Taxation of the Poor of the Parish:

And

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And it was Refolved, Refol. 33. The Parson or Vicar Presentative shall bear according to the reasonable Value of his Parsonage, having Consideration to the just Deduction. And concerning Parsonages impropriate, the Tithes are to be consider'd in their several Kinds; for Tithe-Corn is usually paid to the Parson, and small Tithes of all kinds to the Vicar. By Tenths of Parsonages, or Tithes impropriate, it is only meant that they should pay for the Tenths of

the Profits they receive.

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2. Every Occupier of Lands, Houses, Mines, or saleable Underwood, (proportioning them to an Annual Benefit, &c.) shall be tax'd. It was a Question, 27 Car. 2. in the Town of Wickham's Case, Whether Tolls of Markets should be taxable? It is reported in 3 Keb. p. 540. The Cafe was this: The Town of Wickham in Bucks had much Poor, and therein was a confiderable Market, the Toll whereof belonging to the Corporation there, was worth 60 l. fer Annum, which the Overseers had tax'd, and the Mayor and Juflices refus'd to fign and allow it, pretending it was not taxable; the Overfeers and Justices attended the Lord Chief Justice Hale for his Opinion, who faid, He conceiv'd it Taxable within the 43 Eliz. yet the Justices would not allow the Tax, of which Complaint being made to the King's Bench, a Rule was made for the Mayor, &c. to attend, and they did attend accordingly; and they observing the Court to be angry, allow'd the Tax; and per Hale: For fuch a Refufal a Quo Warranto will lie: And the Court order'd the Mayor to pay the Charges of their Profecution. This being, tho' not nam'd, yet conceiv'd, within the Equity of the late Statute, which shall be beneficially construed.

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Quest. Whether Shops, Salt-Pits, Sheds, Profits of a Market, &c. be taxable to the Poor, as well as Lands and Coal-Mines?

Refolv. 19. All Things which are real, and a yearly Revenue, must be tax'd to the Poor.

Also in most Cases a Man may be rated for his Goods, as well as for Lands: But 'tis said: not for both Goods and Lands; and where it is for Goods, they must be Bona notabilia. Also one shall be charg'd for his Goods, only in that Town or Parish where the Goods be at the Time of the Assessment. Vide Dalt. 140 and 5. Rep. 67. and Pest.

And Note, If Persons Asses'd die before the same be collected, without Default of the Over-feers, (which sometimes happens) a new Rate and Assessment is to be made to supply the same.

Vide Dalt. 154.

If a Parishioner bring into the Parish (without Consent of the Parish) one that becomes burdensome to the Parish, he may be tax'd, not only having Respect to his Ability, or the Land he occupies, but according to the Damage and Danger he brings to the Parish. Resol. 35.

If any Overseer lays out Money, he may be reimburs'd by general Order of Sessions. *Pecham*'s Case, at *Maidstone* Assizes; and *per Hale*, it is

good within the Statute. 1 Keb. 236.

If an Overseer be obstinate, and will not disburse any Thing, this is Casus omissus; yet the Justices may compel them, and make a Tax for the Poor of themselves, in the same or another Year. per Windham.

An

Ch. 2. and of Taxes for their Relief. 19

An Order is made to the Overseers to reimburse themselves; but because it was not directed to the Churchwardens and Overseers, it was quash'd.

If an Overseer disburse without the Consent of his Partners, and no Care is taken monthly to take Account, an Order to reimburse him is null.

By Foster.

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The Churchwardens and Overfeers ought to provide in present Exigency, and shall be reim-

burs'd by a Rate.

The Order to reimburse, was grounded only on Account stated by the Oath of the Party, and never allow'd by the Two next Justices; whereupon the Majority of the Justices in Hick's-Hall refus'd to grant any new Order. 1 Keb. 236. 243. Clerke against the Churchwarden of Cripplegate.

It was agreed in Taverner and Quaterman's Case, that the Churchwardens ought in present Exigencies to provide for the Poor, and they shall be reimburs'd; and by some, it is better to provide for them in Specie than to give them Money weekly; but that is discretionary. I Keb. 440. Vide Style, 246. Pl. 562. Order was made by the Judges to the Inhabitants of B. to reimburse the Overseers of the Poor for Money expended in Suit against some that resus'd to pay their Rates, and the Court was mov'd to grant an Attachment against them, which at last they did. 2 Keb. 461. The King against Ogden, Monck, and Lucas; and the Court conceived that Costs may be allow'd upon the Cetiorari. 2 Keb. 500.

II. In what Manner, or how Men's Estates are to be tax'd. Men must be equally rated with their

20 Of setting the Poor to work, Ch. 2. their Neighbours, and according to an equal

Proportion.

The Inhabitants of Limehouse and Overseers, Sc. were convicted for not making an equal Rate for the Poor, and this Fine was set; it was mov'd that they might be bail'd on Error; the Court would not superfede the Execution, 2 Keb. 173. Siders. 320.

Men must be rated according to their Estates of Goods known, or according to the known yearly Value of their Lands, Farms and Occu-

pyings.

Lands are to he charged on the Tenant in refpect of his Occupation thereof: therefore if a Man live in the Parish where his Lands lie, and doth demise those Lands to others, the Poor's Tax shall be charged on the Tenant, and not on the Landlord.

A Man having Lands in other Parishes than where he lives, the same being in Lease, or not in Lease, he is to be tax'd in the Parish where he lives, according to his visible Estate there, and not for his Lands or Rents in another Parish. Both these last Points were resolv'd by Hutton and Croke at Lent Assizes at Lincoln, and so agreed all the Judges of England. Dalt. p. 149.

But vide infra the Case of the Parishioners of St. Ellen's in Worcester, where the Inhabitants of one Parish may be charged for their Tenements (in which are Poor Tenants) in the adjoining

Parish.

The Inhabitants of one Parish had Common Appendant in certain waste Grounds which lay in another Parish, And it was adjudg'd they should be assessed in the Parish where their Farms lay, for the whole; and that the Common was to be consider'd

Ch. 2. and of Taxes for their Relief. 21 confider'd as Part of the Farm, and tax'd the higher upon that Account. Rex versus Fox. Mich. 6 W. & M. B. R. Salkeld p. 169.

The most reasonable rating of Land is by the yearly Value and Quality thereof, and not by the Quantity or Content; and the natural Value, not as it is improv'd or impair'd. He that occupieth (in his own Hands) Lands lying in several Parishes, shall be charg'd in every Parish proportionably for his Land there. Co. 5. 67.

The Landlord shall not be rated or tax'd for his Farm-Rents, inasmuch as the Farmer or Occupier of the Land is chargeable for the same Land. So where my Farmer is asses'd by his Goods, I ought not to be asses'd for my Rent of

the same Farm.

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It was refolv'd by the Judges of Affize at Lincoln, That the Lands in the Parish, and not the Rent, neither of that Land, nor of other Lands, could be tax'd. Sir Anthony Ireby's Case. The Lessor shall not be tax'd for the Rent he re-

ceiveth. 3 Bulst. 253.

One may be tax'd by his Goods as well as his Lands, but not by both. And where a Man is rated by his Goods, it feemeth reasonable that such Goods be rated after the Value of Lands to be purchas'd, (viz.) One Hundred Pounds in Stock or Goods to be rated after Five or Six Pounds per Cent. in Lands, and so proportionably. Dalt. 232.

Note, Parsons must contribute to the Poor. So it was agreed by all the Judges of England at Serjeants-Inn in the Parson of Pancras's Case; and so are the express Words of this Statute; and they are contributary also to many other Charges, notwithstanding Magna Charta, quod Ecclesia sit

libera.

22 Of setting the Poor to Work, Ch. 2. libera. As for Highways, &c. per Hale Ch. Just-

ice, 3 Keb. 225.

If the Mayor of a Corporation will not fign a Tax, made on the Palace of the Bishop, where the Prebends live, the Court will grant a Mandate. 3 Keb. 572. Mayor of Chichester's Case. And tho' the Justices may for reasonable Cause correct a Tax, yet they cannot refuse to fign it without reasonable Cause; tho' the Statute 43 Eliz. c. 2. saith, They shall tax, the Usage having been for Parishes to tax. Ibid. p. 594.

The Court of B. R. upon Motion will compel the Justices to fign the Poor's Rates; unless they shew Cause to the contrary. The Case of the Inhabitants of Peterborough. Mich. 20 Car. 2

I Siderfin, 377.

For Goods, a Man shall be charged only in that Town where the Goods be at the Time of

the Assessment. Dalt. 232.

It was made a Quere in the Judges Refolutions, Whether the Tax for the Relief of the Poor upon the Statute 43 Eliz. shall be made by Ability or Occupation of Lands, or both; and whether the vifible Ability in the Parish where he lives, or general Ability wherefoever? Refoly, 18, The Land in each Parish is to be tax'd equally and indifferently; but there may be an Addition for the Personal visible Ability of the Parishioners within that Parish according to good Discretion; and yet, if mistaken, may be rectified by the Sessions; but in Sir Anthony Ireby's Case, 2 Bulft. p. 354. it is declar'd there for Law, That the Affessments for Relief of the Poor ought to be made according to the vifible Estate, real and personal, of the Inhabitants, which they have and enjoy in the

Ch. 2. and of Taxes for their Relief. 23 the Town or Place where they inhabit, not having any regard to any other Estate which they had in any other Town or Place.

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Mem. There is a Statute, 1 Jac. 1. c. 31. for Provision made for those who are infected with the Plague, by Rates and Taxations; quod vide.

6. 3. And be it also Enacted, That if the said Justices of Peace do perceive, that the Inhabitants of any Parish are not able to levy among st themselves Sufficient Sums of Money for the Purposes aforesaid, that then the Two Justices shall and may tax, rate and affess as aforesaid, any other of other Parishes, or out of any Parish within the Hundred where the Said Parish is, to pay such Sum and Sums of Money to the Churchwardens and Overseers of the said poor Parish, for the said Purposes, as the said Justices shall think fit, according to the Intent of this Law. And if the said Hundred shall not be thought by the said Justices able and fit to relieve the said several Parishes, not able to provide for themselves as aforefaid, then the Justices of Peace at their General Quarter-Seffions, or the greater Number of them, shall rate and affest, as aforesaid, any other of other Parishes, or out of any Parish within the faid County, for the Purposes aforefaid, as in their Discretions shall seem fit.

If the Parish be not able to provide for the Poor Children of the same Parish, the Justices may provide Masters for them in other Parishes within the same Hundred; and if the Hundred be not able, then in the rest of the County, as for other Provision for the Poor, which must be

at a Quarter-Seffions. Refolv. 5.

Where one Parish is not of Ability to relieve the Poor of their own Parish, then the next Parish being of Ability, are to be contributary to aid 24 Of fetting the Poor to work, Ch. 2. aid them therein, by a weekly Allowance made

for their Relief; and where the first Cause doth cease of having such Relief, as if their Poor do decrease, and their Parish grow to be of Ability, the Contribution there shall cease, or this shall be lessen'd, accordingly as the Cause shall require; as if their Poor decrease, or the Poor and Charge of the other Parish adjoining doth

increase.

The Case was, the Poor of the Parish of St. Peter's in Worcester encreas'd, by reason that divers Inhabitants of the Parish of St. Ellen's had divers Tenements in St Peter's, and they receiv'd great Rents, and the Tenants were very Poor, and fo became a Charge to the Parish; and St. Ellen's Parish raiseth their Rents out of the Relief their poor Tenants have out of St. Peter's; the Mayor makes an Order for St, Ellen's Parish to pay 2 5. per Week to St. Peter's, and this to be rais'd by the Churchwardens of the Parish of St. Ellen's, and then the same to be by them paid over to the Churchwardens of the Parish of St. Peter's, and the Landlords of St. Fllen's, who had Tenements in St. Peter's, principally to be tax'd. The next Mayor, the Poor decreasing in St. Peter's, took off 1 s. per Week from St. Ellengs: This last Order was confirm'd by the Judges of Assize. And per Jones, The Inhabitants of St. Ellen's shall pay for their Tenements in St. Peter's; and if there be no Distress to be found because their Tenants are Poor, upon their Refusal to pay their Rate, the Judges of Affize (upon Complaint) shall make a Special Order to the Mayor to levy the Proportion, 2 Bulft. 353. The Parishioners of St. Peter's Plaintiffs, Parishioners of St. Ellen's Deendants, in Worcester.

Ch. 2. and of Taxes for their Relief. 25.

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6. 4. And that it shall be lawful, as well for the present as subsequent Churchwardens and Over-Gers of the Poor, or any of them, by Warrant from any two such Justices of Peace as is aforesaid, to levy as well the faid Sums of Money, and all Arrears, of every one that shall refuse to contribute according as they shall be assess'd, by Distress and Sale of the Offenders Goods, as the Sums of Money or Stock which shall be behind on any Account to be made as aforefaid, rendring to the Parties the Overplus: And in Default of such Distress, it shall be lawful for any two such Justices of Peace to commit him or them to the Common Gaol of the County there to remain without Bail or Mainprize, until Payment of the Said Sum, Arrearages and Stock. And the faid Justices of Peace or any of them, to Send to the House of Correction or Common Gaol. Juch as shall not imploy them selves to work, being appointed thereunto as aforesaid. And also, any two fuch Justices of Peace to commit to the faid Prison every one of the faid Churchwardens and Overfeers which shall refuse to account, there to remain without Bail or Mainprize, until he have made a true Account and satisfy'd and paid somuch, as upon the faid Account Shall be remaining in his Hands.

The Court refus'd to confirm an Order of Sessions, made to charge another Parish to contribute to the Poor of Hinckly, because the two next Justices, who by the Statute are made Judges within the Hundred, (as in case of Bastards, by 18 Eliz.) did not certify, and till their Default the Sessions cannot meddle originally, because the Appeal is taken away, and therefore the next Justices ought to certifie there is no Parish sufficient in the Hundred. So whereever any Statute appoints the two next Justices

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none can go to the Sessions originally; contra, where it appoints any two Justices, there the Sessions may originally determine it, and fer Cur'

the Order was quash'd. 1 Keb. 685.

The Refusers to pay their Rates or Monies affes'd upon them, and Overseers having Money or Stock behind upon their Account, their Forfeitures shall be levy'd by the new Overseers and Churchwardens, or one of them, by Warrant from two Justices of the Peace, &c. But for other Negligences or Forseitures of the Overseers and Churchwardens, the Justices shall make their Warrant to the Constable to levy the same. Dalt. 155.

If any Persons find themselves griev'd with any Tax, or other A& done by the Overseers, or by the said Justices of Peace, they are to be re-

liev'd at the Quarter-Sessions.

The Justices may quash the whole Rate where it is unequal, and may make a new one themselves, or order the Inhabitants to make a new one. The Case of the Parish of Shoreditch. Mich.

10 W. 3. B. R. Salkeld 524.

A Poors Rate having continued the same ever fince September 1665, the Inhabitants made a new one, which upon the Appeal of one Man was quash'd at the Sessions, and the old one order'd to stand. It was urg'd here, That the old Rate, however just at first, might be unequal now; and therefore the Justices could not make it a standing Rate, for Lands may be since improv'd; which was agreed by Holt, C. J. and that it ought to be alter'd, as Circumstances alter; and that the Justices could not confirm an old Rate, and therefore the Order was naught. Dom. Rex

Ch. 2. and of Taxes for their Relief. 27 versus the Inhabitants of Audley. Mich. 12 W. 3. B. R. Salkeld 526.

If an Overseer be out of his Office before he is reimburs'd what he laid out, a Rate cannot be

made to reimburse him.

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An Overseer is not bound to lay out Money till he receives it; but if he does, he may make a new Rate for the Relief of the Poor, and out of that he may retain to pay himself. Et per Cur' The Churchwardens and Overseers may make a Rate themselves. Tanny's Case, Hil. 2 A. B. R. Salkeld 531.

A Person cannot be rated for a whole Quarter to the Poors Rates, for by the Statute they are to be asses'd monthly. Tracy versus Talbot, Trin.

3 A. Salkeld 532.

Overfeers of the Poor were indicted before the Justices of the Borough of Reading, for not gathering feveral Sums of Money tax'd on feveral Inhabitants, and not ascertaining them: Counfel excepted to it; but the Court order'd the Parties to plead, having Notice of the Persons tax'd, 5 Keb. 49. The King against Brown.

III. What shall be said to be a Parish chargeable to the Poor, and of every Occupier of Lands, Houses, &c. in the said Parish, &c.

Now what shall be said to be a Parish chargeable to the Poor; and to illustrate this, I shall cite a Case adjudg'd in Litt. Rep. 73. Hill. 2 Car. 1. in Com. B. Hilton and Paul: Which was upon a special Verdict, and was thus: That the Parish of Hinckly was an ancient Rectory and Parish-Church, Time out of Memory, &c. and that Stoke-golding (where the Saddle was taken, it being

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ing an Action of Trespass for taking a Saddle) is an ancient Village, and Parcel of the Rectory of Hinckly; and that in the Time of Hen. 6. and all Times after, there was a Church in Stoke-golding; and that then, and at all Times after, it was and is reputed and taken for a Parish-Church; and that the Inhabitants have parochial Rights there, and Churchwardens of their own; and that Stoke-golding is distant from Hinckly two Miles; and if the Village of Stoke-golding be a Parish within the Stat 43 Eliz. chargeable for their own Poor only? was the Question. This Case was fpoke to by all the Judges, and it was refolv'd by them, That Stoke-golding was a Parish within the Intention of the Statute. For by Richardson, Here are two distinct Churches, and such which have Churchwardens, and all parochial Rights, And this is a Parish within this Law: for the Statute faith, the Churchwardens of every Parifi. This is fuch a Parish as hath Churchwardens, who have Charge of the Poor. It's a Parish, tho' within the Rectory of Hinckly, and fo to pay Tithes to it only. 'Per Hutton: It hath been objected, That there is a Provision for the Isle of Foreincis, being only a Chapel of Ease, and no Parish, that the Inhabitants should act by vertue of the Statute as if they were a Parish; and if it had been included in the Body of the Act, there had been no Necessity of Exception; but, per Hutton, this Provision in the End of the Statute, proves only that the Statute extends only to reputed Parishes, and not to Chapels of Ease. Per Croke: If this should not be a Parish, there would be no Remedy for the Poor; and the Churchwardens of Hinckly were never Churchwardens of Stoke-golding, but of Hinckly only.

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A like Cafe was adjudg'd in the King's Bench, Hill. 10 Car. 1. between Nichols Plaintiff, and Walker and Carter Defendants. Jones Rep. 355. Hatfield was a Parish, and Totteridge a Village within the Parish of Hatfield; and paid their Tithes to the Parson of Hatfield; but that Totteridge for the Space af Sixty Years and upwards, and at the Time of the making the Statute 43 Eliz. was a reputed Parish, and had a Constable and Overfeers of the Poor, and that they provided for the Poor, of Totteridge, and never contributed to the Poor of Hatfield. The Churchwardens and Overseers of the Poor of Hatfield make a Taxation for the Poor, and tax Nichols Plaintiff, who had Land, and was an Inhabitant in Totteridge, which was affirm'd by two Justices according to the Statute. Nichols refuseth to pay it, whereupon they distrain him by Warrant of the Justices of Peace, upon which Nichols brought Action of Trespass against the Defendants, Churchwarden and Overfeer of Hatfield. Adjudg'd by the Court, that the Action lies, for a Precinct of a Parish is within the Statute 43 Eliz. and is to be affes'd by it felf, and not with the Mother-Church; and if it should be otherwise, great Confusion should enfue.

Anno 1603. Two Hamlets were tax'd together with the Parish; but since 1652, they have and do tax themselves distinctly; and the Court order'd the Justices to sign the Tax as anciently; and per Windham: Albeit there were a Soke of particular Jurisdiction from the Town yet the Justices of Assize may settle the Tax, which the Court agreed. 2 Keb. 421. The King against the Inhabitants of Peterborough.

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Note, .

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Note, by Kelynge, whereas the Statute 14 Car. 2.
c. 12. is, That in great Parishes there should be distinct Overseers, this Clause was inserted for Cumberland, and others nam'd, he being in the House of Commons at the making the said Act, which the Court agreed; but upon Appeal for Inequality, the Hamlets are not exempted. 2 Kcb. 469. The King against Quarles and Thursby. And 2 Levinz 142. viz. That this Statute extends not to other Counties not nam'd.

There was a Case, 18 Car. 2. B. R. between the Inhabitants of Shadwell against Ratcliff and Wapting. These are several Hamlets of one Parish; and in 1631, they were severed in their Rates to the Poor, but were lately by Order of Sessions tax'd as one entire Parish of the Tower, which was confirm'd by Chief Justice Hide and Windkam. But these three Streets are but one Hamlet anciently, and the other Five are distinct Hamlets, and they appear not in this Return; the Court confirm'd the first Order, and quash'd the last.

Killingworth in Com' War. is a great Town of two Villages, but only one Church, (and no Chapel of Ease,) and the Tenants of both paid distinctly and dividedly to the Poor; and on 14 Car. 2. c. 12. if the Plaintiff being Inhabitant in one End, should pay to the Poor of the other? was the Question on a special Verdict in Trespass. Per Hale: There can be no Prescription against 43 Eliz. c. 2. But if there hath been a Chapel of Ease and Churchwardens, and distinct Rates, this by Construction is a Parish within 43 Eliz. but is no Parish in Truth or Reputation (as appears in the Verdict) it's a void Prescription. The Statute 14 Car. 2. extends not

Ch. 2. and of Taxes for their Relief. 31

to all great Parishes, for thereby the Statute 43 Eliz. would be eluded, the Event of which would be to lay the Charge on the Boroughs where the Bulk of the Poor is, and the Out-villages where the Lands are would be discharg'd. Here is no Prescription to maintain the Poor dictinctly, and Prescriptions are left as they were before 14 Car. 2. and 43 Eliz. and fo is the Case of Wilson and Bonner. Three Villages were found in Camden ancient, and relieving the Poor distinctly, and adjudg'd for the Defendant in that Case, because Glocester was not any of the Counties mention'd in the Statute 14 Car. 2. 3 Keb. 539. Skellington and Warton. Vide this Branch of the Statute 14 Car. 2. Supra, p. 7. concerning Townships in Yorkshire, Cumberland, &c.

Where a Parish contain'd two Members, H. and B. and B. had a Chapel of Ease and a Burying-place, and was a long Time reputed a Parish, (tho only a Member of H. and had us'd to chuse Overseers. Q. If such Overseers are within the Parish, so as they may by 43 Eliz. distrain for an Assessment, B. being only a Parish

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Et per Cur. Parishes only in Reputation are within the Statute, as other Parishes are, if the Usage of such Parish to chuse Overseers had been constant, and without Interruption; and if not, then the Overseers of the Mother Church are within the Statute; 2 Roll Rep 160. inter Weeden and Walker. Making of Rates will not make a Parish, without all other Parochial Rights. 4 Mod. 157.

By the said Statute 43 Eliz. 6. 9. If it shall kappen any Parish to extend it self into more Counties C 4 than

32 Of fetting the Poor to zwork, Ch. 2. than one, or Part to lie within the Liberties of any City, Town, or Place Corporate, and Part without; then as well the Justices of Peace of every County, as also the Head Officers of such City. Town, or Place Corporate, shall deal and intermeddle only in so much of the said Parish as lieth within their Liberties, and not any further. And every one of them respectively within their several Limits, Wards, and Jurisdictions, to execute the Ordinances before-mention'd concerning the Nomination of Overfeers, the Confent to binding Apprentices, the giving Warrant to levy Taxations unpaid, the taking Account of Churchwardens and Overfeers, and committing to Prison such as refuse to account, or deny to pay the Arrears due upon their Accounts. And yet nevertheless the Churchwardens and Overseers, or the most part of them, of the said Parishes that do extend into such several Limits and Jurisdictions, Shall, without dividing themselves, duly execute their Office in all Places within the faid Parish in all Things to them belonging. And shall duly exhibit and make one Account before the said Head Officer of the Town or Place Corporate, and one other before the said Justices of

An Order was made by the Justices against the Parish of Stretton, who order'd them to keep K. a Widow, she being poor. Now it was in the King's-Bench excepted to, because, as to the Cottage wherein she liv'd, it was uncertain whether it was in that Village or another; but the Judges of the King's-Bench refus'd the Exception, because in these Cases the Courts use a Liberty and Discretion; as in Indistments for Highways, they never quash them without Certificate of Amendment. Also the Party hath Remedy

Peace, or any two of them, as is aforefaid.

Ch. 2. and of Taxes for their Relief. 33

Remedy by Replevin to try the Right, when a Distress shall be taken on any to contribute.

2 Keb. 37. Kilbeck's Cafe.

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Note, That before the Court of B. R. will quash an Order of Sessions, there must be an Assidavit of Notice given to the Parties concern'd, or else they will only quash Nist on Notice.

Where each Division of a Parish shall be look'd upon as a several Parish.

Where a Widow left feveral Children in the Parish of St. B. which lies in two Counties, viz. London and Middlesex, and the Woman liv'd and dy'd in that Parish which lay in Middlesex, (the Children being at Nurse in Middlesex, (who contested with the other Part of the Parish in London: Upon Application to the General Gaol-Delivery at the Old-Bailey, it was refolv'd, That without any particular Ufage to the contrary, the Parish in both Counties ought to contribute their Shares towards their Relief; but in regard it was made appear, that each Part of that Parish had distinct Officers, and made diffinct Rates, and had us'd Time out of Mind to make distinct Accounts to the Justia ces of each County, the Court did look upon each Division as a several Parish; and thereupon order'd, That Part of the faid Parish that lies in Middlesex should pay the Nurse, and provide for the future for the Children. Also it was refolv'd, That no Notice can here be taken of the Place of the Birth of the Children, but of their last Settlements, by 43. Eliz. c. 2. because they are only Poor, and not Vagabonds; but that Vagabonds within the Statute 39. Eliz. c. 4. Shall C 5

34 Of Building Houses for the Poor, Ch. 3. be provided for by the Place were they were born. Fletcher's Case. Vide Raym. Rep. 476, 477.

CHAP. III.

Of such who over-burthen the Town or Parish with poor Persons, how they may be tax'd. Remedy for them that are aggriev'd with any Tax. Of other Provision for the Poor, by building Houses on the Wast, or providing them Houses. And of Relief of poor Prisoners in the County-Gaol, &c.

H Aving treated of the Rates and Taxations made and to be made in every Parish, towards the Relief of the Poor, and who are taxable, and what Estates, and in what Manner, and what is to be done, if the Parish is so poor as not to be able to relieve their own Poor, and the Remedy in levying the Money upon Resusers to pay their Rates; as also how Hamlets in large Parishes are to be rated; let us now consider what is to be done with such, who over-burthern the Town or Parish with poor Persons.

In the Resolutions. Q. 35. If a Parishioner, Landlord or Owner within a Parish, do bring into the Parish (without the Consent of the Parish) a Stranger of another Parish, which is, or apparently is like to be, burthensome unto the Parish, how may they ease themselves?

Refolus

Ch. 3. Relieving poor Prisoners, &c. 35

Resolv. 35. They may tax such an one to the Charge of the Rates of the Poor, not only having Respect to his Ability, or the Land he occupies, but according to the Damage and Danger he bringeth to the Parish by his Folly. And such was Sir Nicholas Hide's Opinion, That he that without the Consent of the Parish shall bring any Poor to any Town, which are burthensome to the Town, may be rais'd in his Rates towards the Relief of the Poor, by Consent of the Parish, (viz.) of the Churchwardens and Overseers.

Note, That Orders of this Nature in the Sessions-Book of Middlesex, are very frequently made by the Justices of the Benches at Westminster. 23 Mar. 13 Car. A poor Person was sent back to the House of Mr. Nichols, to remain there without paying any Rent. Dalt.

p. 155.

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6. 6. Provided always, That if any Person or Persons shall find themselves griev'd with any Sess or Tax, or other AEt done by the said Churchwardens and other Persons, or by the said Justices of Peace, that then it shall be lawful for the Justices of Peace, at their General Quarter-Sessions, or the greater Number of them, to take such Order therein as to them shall be thought convenient; and the same to conclude and bind all Parties.

This extends as well to binding Apprentices, and building Houses on the Waste for the Poor, as to Rates and Sessiments.

Note, Head-Officers of Cities and Corporate Towns (being Justices of Peace) have the same Authority within their Limits, as herein is limited. 36 Of Building Houses for the Poor, Ch. 3. mited to Justices of Peace of the same County, &c. and no other Justices of Peace are to intermeddle there.

Other Provision for the Poor in Statute 43 El. c. 2. 6. 5. is Building them Houses on the Waste

to inhabit.

Be it Enacted by the Authority aforesaid, That it hall and may be lawful for the faid Churchwardens and Overseers, or the greater Part of them, by the Leave of the Lord or Lords of the Manor, whereof any Waste or Common within their Parish is or shall be Parcel, and with Agreement before with him or them made in Writing under the Hands and Seals of the faid Lord or Lords, or otherwise, according to any Order to be let down by the Justices of Peace of the faid County, at their General Quarter-Sessions, or the greater part of them, by like Leave and Agreement of the faid Lord or Lords in Writing under bis or their Hands and Seals, to erect, build, and set up, in fit and convenient Places of Habitation, in such Waste and Common, at the General Charges of the Parish, or otherwise of the Hundred or County as aforesaid, to be tax'd, rated, and gather'd, in Manner before extres'd, convenient Houses of Dwelling for the said impotent Poor, and also to place Inmates, or more Families than one, in one Cottage or House. One AEt made in the thirty-first Year of her Majesty's Reign, [entituled. An Act against the erecting and maintaining of Cottages,] or any Thing therein contain'd to the contrary in any wife notwith standing. Which Cottages and Places for Inmates shall not at any Time after he us'd or employ'd to or for any other Habitation, but only for Impotent or Poor of the same Pariso, that shall be there plac'a from Time to TimeCh. 3. Of Building Houses for the Poor, 37 by the Churchwardens and Overseers of the Poor of the same Parish, or the most part of them, upon the Pains and Forfeitures contain'd in the said former Act made in the said thirty-first Year of Her Majesty's Reign.

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As to providing Houses for the Poor, it's made a Quære, because the Overseers cannot do it by forcing the Parishioner's Habitation, nor by perfonal Charge by engaging for the Rent. Moreton Justice said, in Chief Baron Davenport's Time it was held they must provide; which Kelynge and Twisden deny'd. 2 Keb. 744. The King against May.

Indictment was for creeting a Cottage and Habitations contra Statut. quash'd, because it was not said that any inhabited it, for else it was no Offence. Mod. Rep. 290. The King against Nevil.

An Order was made for Grant, &c. to provide an House for the Poor, being Overseers in Warwicksbire, and on Habeas Corpus they were brought into Custody for disobeying the Order: But they were discharg'd by the Court of King's Bench, in regard it's not shew'd that the Parties were aged and impotent, in which Cases only the Justices may provide an House. And per Cur. The Justices ought not to commit for Disobedience of their Order, but cause the Party to be indicted for Negligence, and fin'd, and then committed. 2 Keb. 557, 558. The King against Grant, &c.

Order of Justices of Assize to annul an Order of Sessions to provide a House for a Person not impotent, was confirm'd upon Motion, the sirst being a void Order; for if he be able, he

must

38 Of Building Houses for the Poor, Ch. 3. must provide for himself, but the Justices cannot exclude him the Parish. 2 Keb. 643. The

King against Pain.

Also such Poor as are not to be remov'd out of the Parish, or are there lawfully settled, may by the Consent of the Parish, or by the Churchwardens and Overseers of the Poor, or the greater Part of them, be plac'd as Inmates, by the Statute 43 Fliz. c. 2. Resolv. 43.

Note, This House must not be afterwards converted into any other Use, for so it may become

a Cottage afterwards.

Note also, That 1. this extends to such as be poor and impotent. 2. It extendeth not to any common Herdsman or Shepherd, as hath been

mistaken. Coke 2 Instit. 737.

A Cottager was indicted: Counsel mov'd to quash it, because he had a Licence of the Lord, and a Continuance by the Sessions; but the Court resus'd, but order'd him to plead, and give this Matter in Evidence, and the Pleading stops all Proceedings till Trial. 2 Keb. 503. The King against Hutchins.

Provision for Relief of the Prisoners in the Common Gaol.

Per Statute 14. Eliz. c. 5. Fustices of Peace in Sessions, or the most Part of them, have Power to tax every Parish in the County (but not above 6 s. 8 d. a Week out of every Parish) toward the Relief of Prisoners; which Tax the Churchwardens of every Parish shall levy every Sunday, and pay it in quarterly to the High Constable, or in a Corporation to the Head Officer, and the High Constable or Head Officer, and the High Constable or Head Officer, and the Same at every Quarter-Sessions to such Person.

Ch 3. Relieving poor Prisoners, &c. 39
Person as shall by the Justices in open QuarterSessions be appointed to receive the same, who shall
distribute it weekly to the said Prisoners, upon
Penalty of the Churchwardens, Constables, Head
Officers, and Collectors, making Default respectively, to sorfeit 51. one Moiety to the King's Use,
the other to the Relief of the Prisoners; but the
Justices of Peace shall not meddle in any City, Borough, &c. but the Mayors, or Officers of the same.

Note, Performance or not Performance of formuch of the Statute of 14 Eliz. c. 5. for the Poor, as is not alter'd by 39 Eliz. c. 5. 43 Eliz. c. 2. 1 Jac. c. 25. is to be yearly examin'd at Easter Sessions. Lamb. 620.

By Stat. 3 Jac. 1. c. 10. An Offender, which is to be convey'd to the Gaol, if able, shall bear all Charges, both of himself and of those that guard him.

If he refuse so to do, upon a Warrant from a Justice of Peace, the Constable of the Township where he hath any Goods (being within the same County) may sell so much thereof, as in the Discretion of the said Justices shall be thought sufficient to satisfie the said Charges; the Appraisement thereof to be made by the Neighbours there, and the Overplus to be

render'd to the said Offender.

If the Offender hath no Goods to satisfy the Charges, the Constables, Churchwardens, and two or three other honest Inhabitants, or (in case there be no such Officers there) four of the principal Inhabitants of the Parish where he was taken, shalt make a Tax, according to which (being allow'd under the Hand of a Justice of Peace) every Inhabitant shall pay the said Charges: And upon Refusal (by Warrant from a Justice of Peace) the Constables.

40 Relieving poor Prisoners, &c. Ch. 3. Stable, Tything-man, or other Officer, bath Power to levy the same by Distress, and (after Appraisement by four Inhabitants there) to fell the same, rendering the Overplus to the Party fo refusing,

Here if the Officer that distrains be sued, he shall plead Fustification; and upon Verdict for him, or Nonfuit of the Plaintiff, Shall recover treble Da-

mages, besides Costs of Suit.

And by Stat. 19 Car. 2. c. 4. it is enacted, That the Justices of Peace of the respective Counties, at their General Sessions, may provide a Stock of such Materials as they think meet for the setting poor Prisoners on Work, as other County Charges may he levy'd by the Law of the Land, and to provide fit Persons to oversee the Work; provided no Parish be charg'd above Six-pence a Week.

The Sheriffs of the respective Counties having the Custody of the Gaol, with the Advice of three Fustices of the Peace, (one Quorum,) may provide other safe Places to remove sick Persons out of the ordinary Gaols, the same Places to be employ'd for the Custody of Prisoners there to be kept.

The Mayor, Bailiff, and other Head Officer having Custody of the Common Gaol within any Corporation in this Kingdom, or Wales, by Advice of three or more Justices of Peace of the Corporation, in Time of Infection, have the like Power to remove the Prisoners, and also to raise a Stock.

A new Gaol creeted in the City of Exeter, with divers Orders and Rules concerning the same: See the Clause in the Act about it. Salvo to the

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CHAP. IV.

Of putting out Apprentices; who may be compell'd to take Apprentices or not; and how Money given for the putting them out shall be bestow'd.

THE Children of such whose Parents shall not by the greater Part of the Overseers be thought able to keep and maintain their Children, the Overseers by Assent of Two Justices may put out to be Apprentices, (viz.) the Men-Children till their Age of twenty-four, and the Women-Children till their Age of twenty-one Years or Marriage; the same to be as effectual to all Purposes, as if such Child were of full Age, and by Indenture of Covenant bound him or herfelf, Stat. 43 Eliz. c. 2. G. 5. To which this Addition is made in the Stat. 1 Jac. 25. (viz.) That all such Persons, to whom the Overseers of the Poor shall according to the said Act bind any Children Apprentices, may take, receive, and keep them as Apprentices, any former Statute to the contrary not with standing; and there is an Addition in the Statute 3 Car. 1. c. 4. by which the same are made further to continue.

All such Children of the Age of Seven Years or above, so bound Apprentices, shall be taken and kept as Apprentices by their Masters, but such Binding must be by Indenture. The Form of such Indenture vide in p. 265.

The putting of poor Children out Apprentices, is holden to be one of the best Ways for providing for the Poor. Refol. 1.

One Justice of the Peace may compel any Per-

fon meet, to be bound as an Apprentice.

As the Statute enableth the Churchwardens and Overseers (with the Consent of two Justices of Peace) to put out Apprentices, so it doth enable them to place those Apprentices with their Masters. And the said Justices may compel all fuch as be of Ability to take fuch Apprentices (according to their Discretion); and if any fuch Master shall refuse to take such Apprentice so to him appointed, the said Justices may bind fuch Masters over to the next General Gaol-Delivery, there to answer such Default. And this was the Direction of Sir Henry Mountague, Knight, Chief Justice of the King's Bench, at Cambridge Affizes, An. Dom. 1618. wherewith agreed Sir Nicholas Hide and Francis Harvy. And if he refuse to take such Apprentice, or to give Bail to appear at the next General Gaol-Delivery or Quarter-Sessions, he may be sent to Gaol, there to remain till he shall give such Bond. Refol. 3, 6.

Every Man who by his Calling and Profession, or Manner of Living, entertaineth, and must have use of other Servants of like Quality, must entertain such an Apprentice; yet Discretion must guide according to Circumstances, Resol. 3. As Knights, Gentlemen, Yeomen, &c. and Clergy-men; so was the Opinion of all the Judges, as the Publisher of Dalton was inform'd, Dalt. p. 151. or at least they are chargeble to the putting them out. Q. A Sojourner. Every wealthy Person, tho' he live privately, and tho'

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Ch. 4. por Children Apprentices. 43 he have no Use for a Servant, may be tax'd towards the putting forth Apprentices, or other

Relief for the Poor. Refol 3, 4.

They may be put out to other Parishes; but in Spearing's Case, I Keb. 474. a Certiorari was granted, to try whether by an Order of Justices and Overfeers, an Apprentice might be plac'd with a Draper in another Corporation? p. 517. in 1. Keb. they may do it, but not unless he be a Farmer, and he did farm Lands in the fame Parish.

The Churchwardens and Overfeers (with the Consent of the faid Justices, as it feems) may impose upon such Master refusing to take such Apprentice, a competent Sum of Money for the putting out fuch Apprentice elsewhere; and upon the Master's Refusal to pay such Money, two fuch Justices may make their Warrant, to levy the fame by Distress and Sale of the Offender's Goods, &c. vide Poulton, 2, 4 But it is not necessary that any Money should be given with Apprentices, for that must be left to the Difcretion of the Churchwardens and Overseers, all Circumstances of Age and Ability being confider'd; and if they cannot agree with the Party, then the Justices of the Peace adjoining, or in their Default, the Sessions of Peace are to determine this. Refol. 2.

Or the Refusers to take such Apprentices, may. be presented and indicted for the same, upon the Statute 43 Eliz. at the Affizes or Seffions of the Peace, and upon fuch Indictment, they may be

fin'd and imprison'd. Refol. 7.

If any one refuseth to take such Apprentice, he shall be bound over to the Sessions, and if when he appeareth there he shall likewise refuse, what shall be done to him? And what shall be done to the Parents who resuse to suffer their Children to be put out Apprentices, themselves not being able to maintain them? Resol. 7. If at Sessions or Assizes he resuses, and his Excuse is not allow'd, it's sit he be bound to his Good Behaviour, and he may be indicted for a Contempt, and thereupon he may be sin'd and imprison d; if he resuse to be bound to the Good Behaviour, let him be imprison'd till he will: And the King's Book of Orders directs, that such be bound with good Sureties, to appear at the Councilboard: If the Parents resuse, let them be com-

mitted to the House of Correction.

And Note, in Easter Term, 3 Annæ, B. R. one Gould was indicted on the Stat. 5 Eliz. c. 4. for that a poor Boy being put to him as an Apprentice, he vi & armis refused to provide for him, &c. and on Motion to quash it, these Exceptions were taken, viz. 1. That this was not a Matter indictable on the faid Statute. 2. In case it were indictable, there ought to have been Application first made to a Justice of Peace, and after that an Appeal to the Sessions, and then perhaps for Disobeying their Orders an Indicament might 3. It is laid Vi & Armis, which being for a Nonfeasance, is absurd and inconsistent. But it was answer'd and resolv'd per Cur', 1. That tho'. in the Case of a common Apprentice an Indictment will not lie, yet it will lie in this Cafe. 2. That tho' formerly in Pyne's Case, (vide post.) it was held, That the Justices could not compel one to take an Apprentice upon this Statute, yet. the contrary Opinion has fince prevailed; and when we allow them fuch a Power, we must of necessary Consequence allow an Indictment for difCh. 4. poor Chlidren Apprentices. 45

disobeying their Orders, either for not receiving, or receiving, and afterwards turning off, or not providing for, such an Apprentice; and tho' an Act prescribes an easier Way of proceeding by Complaint, yet that does not hinder the Way of Indictment. 3. That tho' the Vi & Armis in this Case be absurd, yet it is only Surplusage, and shall not vitiate the Indictment. Vide Stat.

8 & 9 W. 3. cap. 30.

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It is made a Quære in the Resolution. Q. 25. Whether an Apprentice put out by the Churchwardens, &c. according to the Statute, to a Master in another Parish, if his Master die, and leave no Executor or Administrator fit to keep an Apprentice, or able to place him, whether he shall be provided for in the Parish where he was Apprentice, or shall be fent back to the Parish from whence he was put out? Refel. Servants and Apprentices are by Law fettled in that Parish; and if they become impotent there, the Parish must abide the Adventure, after the Term or Time of Service be lawfully ended. [But if the Executor hath Affets left him, the Judge of Affize hath order'd him to keep him, or place him out.

An Order of the Justices of Peace in their Seffions, That the Executors should keep the Apprentice, was quash'd; but it was held, that Covenant would lie against the Executor, at least for Maintenance. Vide 2 Lev. 17. Salkeld 66.

Rex versus Peck. Mich. 10. W. 3. B. R.

A poor Child bound Apprentice cannot legally be affign'd to another Master: But if he be affign'd, and actually serves the second Master, he will gain a Settlement where the second Master lives.

Mich.

Mich. 13 W. 3 B. R. Between the Inhabitants of

Castor and Antor. Salkeld 68.

It's said, an Apprentice put to a Man in regard of his Farm, when his Lease expireth, the Apprentice must still go with the Farm, if the Master will. Otherwise, when an Apprentice is put to a Man in regard of his Ability, or for

other Respect. Dalt. ult. Edit. p. 152.

The Publisher of the last Dalton seems to oppose this so long received Opinion (That Persons may be compelled to take poor Children Apprentices) of the Judges of Affize, and according to the Resolutions of the ancient Judges in 1633. and these Resolutions appear to him of little Weight, and this chiefly upon the Authority of Judge Twisden, p. 152, 161. I agree, the Reasons he gives against that Opinion are fit for Consideration, and the most equal Way seems to be by a Stock raised. But as to the general Authority of the Resolutions, I shall cite my Lord Coke's grave Opinion deliver'd in his Second Institutes, p. 735. in his Explication of the Statute 7 Fac. cap 4. concerning Houses of Correction. His Words are these: We have not gone about to speak of the Statute of 39 Eliz. or other Statutes concerning Rogues, &c. or the Poor, &c. which all the Judges of England have upon due Confideration explained, and which are truly rehearfed and imprinted, and ought to be observed, &c. His Words are of Weight, and he was contemporary with them. In the Margent, he cites Lambard's Justice of the Peace, lib. 2. p. 207. wherein the faid Resolutions are set down, and as many as concern this Sudject are here faithfully transcribed (though the Law in some Points is since alter'd by Acts of Parliament, as may be obferv'd

Ch. 4. poor Children Apprentices. 47 ferved in this Treatife.) Now I shall cite some Cases that have been adjudged concerning this Point, wherein we may see the Variety of Opinions of the Judges, though in the main they all agreed of the Sense of the Act, preter Twisden, and at last how it was resolved by all the Judges in the 28th of Charles the Second; for the Question was of great Consequence.

In the Case between the King and Newton, an Order of Sessions was made for taking a Bastard-Child Apprentice, not shewing that the Child was a poor Child, or charged on the Parish, nor in what Trade he was to be bound to, and pray'd to be quash'd; especially for that the Child was bound but to a Tenant at Will in the Parish per Curiam, The Order shall be consirmed; and did declare, that one may be compelled to take

an Apprentice.

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About the 14 Car. 2. and in the Time of Charles I. Hutton and Croke were of the same Opinion, to whom the Justices referred such a Case. And an Order was made at the Council-Board, to quicken the Justices in all the Counties to the like Rule: And by Foster Chief Justice, the Statute would be useless, should not there be a Compulsion to take as well as to fet out? And it is Part of the Resolution of the Judges, that Confideration should be had of the Age of such Children. Windham conceived, the Meaning of the Law was to advance Husbandry, and not to bind to other Trades; and it is intended the Seffions (being a Court) will do justly, and yet he thought they may place fuch Children where they please. Twisden slickled against this Opinion, on Tarlye's Case in Kent; but yet notwithstanding the Court confirmed the Ordet, and held

held the Execution infufficient. Another Cafe there was about the same Time between the Justices of Peace of Derby and one Gillibert; in which Case Windham was of Opinion, that they that are grieved have no Remedy but before the Justices, who in this Case are Judges of the Fitness of the Parties with whom they place them; to which Foster Chief Justice agreed: And that if the Party have Wrong, upon his Indictment, or information preferred on Contempt, or Re-

fusal to obey the Order, he may plead it.

The Justices of Spalding in Somersetsbire put one Hannah Apprentice to the Defendant, who was a Parishioner (as a Farmer) but no Inhabitant; on which the Defendant appealed to the next Seffions at T. who confirmed their Order by the Defendant's Confent; for Contempt of which he was after indicted at Sessions, and he removed the Order and Indicament into the King's Bench. Counsel pray'd a Procedendo, for that the Child is well placed by 43 Eliz. in that the Defendant hath agreed to it. But per Curiam, The Defendant is a Draper in another Parish, and may have 100 l. with an Apprentice. It was referred to the Judge of Affize, I Keb. 634. Spering's Cafe. And then by After-Opinions, it was thought fufficient, if fuch Person to whom the Apprentice is put doth provide for him by raifing Money for his Maintenance, as was done by Sir John Ferris in Hertfordshire, tho' he was not any Trader: And Kelinge Ch. Justice said, he had had many Apprentices put upon him, and that he had done the like. Twisden at length agreed it to be the fettled Course, and in the principal Case, the Counsel pray'd a Certiorari to remove an Order of the Justices in Confirmation

Ch. 4. poor Children Apprentices.

of an Order made by the Overfeers of the Poor

to place an Apprentice with the Defendant, but the Court refus'd to grant it. This was the Cafe of the King against Sherwin. Pasch. 21 Car. 2.

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Note, But now this Vexata Questio is settled by all the Judges of England, in the Case between the King and Pine. Hill. 29 & 30 Car. 2. B. R. Pine, who had Land in the same Parish, had an Apprentice put on him; he was in Contempt for not obeying the Order, and was indicted: It was their Opinion, That the Overseers of the Poor could not force an Apprentice on any Man that did not personally occupy Husbandry, and the Indictment was quash'd. 3 Keb. 854.

But the Act of 8 & 9W. 3. c. 30, has in a great Measure put an End to this Dispute: For thereby it is enacted, That where any poor Children shall be appointed to be bound Appprentices, pursuant to 43 Eliz. c. 2. the Persons to whom they are appointed to be bound shall receive and provide for them according to the Indenture; and upon Refusal so to do, upon Oath thereof made by a Churchwarden or Overseer before two Justices, He or She so offending shall forfeit 10 1. to be levy'd by Diffress and Sale of Goods, to the Use of the Poor of the Parish where such Offence is committed, faving to fuch Persons their Appeal to the next Quarter-Sessions for that County, whose Order therein shall be final.

And Pasch. 3 Ann. B. R. Gould was indicted, for that a poor Boy being put out Apprentice to him according to the Statute, he refused to provide for him. Per Cur'. Since we allow the Jufilees Power to put out Apprentices, we must allow an Indictment for Disobedience neither in

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case of not receiving, turning off, or not providing for such Apprentice as the Law requires. Salkeld 381.

Note, A Master cloaths his Apprentice in new Apparel, he cannot take it away if he parts with

the Apprentice. Dalt. 96.

6. 19. It is enacted, That if any Action of Trefpass, or other Suits, shall be brought against any Person or Persons for taking any Distress, making of any Sale, or any other Thing doing by Authority of this Act, the Defendant may plead Not guilty, and give the special Matter in Evidence, or else make Avorery, Cognizance, or Ju-Stification, for the Taking the said Distress, making Sale, or any other Thing doing, alledging, That the said Trespass, Distress, Sale, or other Thing was done by Authority of this AEt; to which the Plaintiff shall reply, De Injuria sua propria absque tali Causa, and if the Verdict be for the Defendant, or the Plaintiff be Nonsuit after Appearance, the Defendant shall recover treble Damages, with Cost, or Writ to enquire of the Damages.

Sale and Distress of Goods. Yet if the Plaintiff voluntarily deliver any Money which he is affess'd to the Poor, and after brings Trespass for this against the Overseers; this is within the Statute; for these Words, Sale and Distress, are only put in the Act for Examples, for the Statute shall be largely construed, because it tends ad Opus Charitatis, and Trespass brought after such voluntary Delivery is a Vexation, and ought to be suppress'd; and per Cur', Damages in this Action shall be affess'd by the Jury, but shall be trebled

trebled by the Court, and the Court may give Costs de Incremento, Yelv. p. 176. Okely against Salter; and 44 Eliz. Rol. 516. B. R. Meniall

and Bell's Cafe cited there.

If the Parents of poor Children shall refuse to fuffer their Children to be put forth (without good Caufe shew'd) such Parents also may be bound over by the Justices to answer the said Default; and if the Apprentices refuse, the Justices shall fend them to the House of Correction, quousque, &c.

And if their Parents shall entice their Children away, (themselves not being able to maintain them) fuch Parents may be committed to the

House of Correction.

By Statute 7 Fac. 1. c. 3. Children which be above the Age of fifteen Years are not thought fit or allow'd to be first bound out as Apprentices, but must be forced to work, or go to Service; and if they refuse, to be fent to the House of Correction, or bound over to their Good Behaviour to the Affizes or Sessions of the Peace.

Note, In Hillary Term, 2 Annæ, the Queen vers. Daniel, an Indicament was for procuring and feducing an Apprentice to leave his Master, and perswading him to embezil his Goods; and as to the Seducing him from his Master, which was the only Point in Judgment, it was held per tot. Cur' no Indicament would lie. And per Holt, Chief Justice, a Conspiracy to charge one with a Bastard-Child is indictable; but if one should advise another to do it without more, it is not.

And in the Cafe of one Colling wood, Mich. 3 Ann. it was held per tot. Cur', That an Indictment for inticing an Apprentice to take away his Master's

Goods.

Goods, was not maintainable; for the Charge ought to be direct and positive, That the Apprentice did take away the Goods; tho' in that Indictment it was averr'd, That Collingwood received the Goods from him.

How Money given for the Binding of poor Children to Occupations shall be bestow'd, by Stat. 7 Jac. c. 3. at large.

F Orasmuch as the true Labour and Exercise of Husbandry, and the Bringing up of Ap-* prentices of both Sexes in Trades and Manual Occupations, are Things very profitable in the Commonwealth, and acceptable and pleafing unto Almighty God, there being already Sums of Money freely given, and more in Time to come like to be given, by divers well disposed Persons, unto the Corporations of divers Cities, Boroughs, Towns-Corporate, and unto divers Persons in fundry Towns not Corporate, and Parishes within the Realm of England, to be continually employ'd in the Binding out as 'Apprentices a great Number of the poorest Sort of Children unto needful Trades and Occupations, the Experience whereof hath brought forth very great Profit and Commodity unto those Cities, Towns, and Parishes, where any ' Parts of the faid Monies have been fo given and employ'd, and fo no doubt there will ' confequently enfue thereof the exceeding Good of the Commonwealth in general. And for ' that the most Part of the poorer Sorts of Chil-' dren would (as heretofore) without fuch Care ' and Affistance be brought up in Idleness, and ' disorder'd Kinds of Life, to their utter Overthrow, and to the great Prejudice of the whole Commonwealth: And for that it is very likely that many other well-disposed People will be the better encouraged willingly to follow the like good Example, in bestowing all good Sums of Money to the same good and godly Purposes, if it might be so provided, if such Monies as have been already so freely given, or as hereafter shall be given, for the Binding out of such poor Children Apprentices, may hereafter continually remain and be wholly employ'd accord-

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Be it Enacted therefore, That all Sums of Money, freely given at any Time within three Years last past, or hereafter to be given by any Person or Persons, to be continually employ'd for the Binding out of Apprentices as aforefaid, shall for ever henceforth continue, and be from Time to Time us'd and employ'd to fuch Uses, Intents, and Purposes only, and by fuch Persons, and in such Manner and Form, as shall be hereafter by this present Act specify'd and declar'd; (except the same have been or ' shall be otherwise order'd or disposed by the ' Givers thereof) that is to fay, That all Corporations of all Cities, Boroughs, and Towns Corporate, by what Name or Names foever they shall be known or incorporated, and in Towns and Parishes not incorporate, the Parson or Vicar of every fuch Town or Parish, together with the Constables, Churchwardens, Collectors, and the Overseers for the Poor for the Time being, or the most Part of them, where any fuch Sum or Sums of Money are already given, of ' shall be hereafter given to be so employ'd, shall from Time to Time within the faid feveral Ci-D 3

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ties, Boroughs, Towns, and Parishes respective-'ly, have the Nomination and Placing of fuch Apprentices, and the Guiding and Employment of all fuch Monies as have been heretofore fo given, or which hereafter shall be given, to and ' for the continual Binding forth of such and so many Apprentices, and in fuch Sort as is already, or hereafter shall be so given and appointed, either by the last Will and Testament, or by any Writing or Writings under the Hands and Seals of any Person or Persons, which hath already, or hereafter shall so give any Sum or Sums of Money unto the good and godly Purposes and Intents aforesaid. And if the Corporation of any fuch Cities, Boroughs, or Towns Corporate, by what Name or Names foever they shall be call'd or incorporated, or any the Person or Persons in the other Towns and Pa-' rishes above-mentioned, appointed by this A& to have the continual Guiding and Employ-" ment or such Sums of Money to already given, or hereafter to be given, to the Intents and

ment or such Sums of Money to already given, or hereafter to be given, to the Intents and Purposes aforesaid, shall at any Time hereafter wilfully forbear or refuse, according to their Duties in this Behalf, to employ such Sums of Money so given, or to be given as aforesaid, for the Binding out of such Apprentices, by Means of which wilful Forbearance or Refusing, the said Money shall not be employ'd accordingly, that they and every of them, so offending, contrary to this Act, shall forfeit for

every such Offence the Sum of Three Pounds
Six Shillings and Eight Pence lawful English
Money, the one Half thereof to be given to the
Poor of the Town or Parish where such Fault

or Offence shall be done or committed, the

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other Moiety to the Party that shall sue for the same. And that every Man that will, may and shall be admitted to sue for the same Moiety to the Use and Benesit of the said Poor, and shall be also admitted to sue for the Forseiture of the other Moiety in any of the King's Majesty's Courts of Record, to his own Benesit and Behoof, by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Wager of Law or Essoin, shall be admitted or allow'd.

' And for that all Monies fo given may the better continue to and for the Purposes aforefaid, be it enacted, That the Master, Mistress, or Dame of every fuch Apprentice or Apprentices, that shall receive any such Sum or Sums of Money as aforefaid, shall become bound with one or two fufficient Sureties, by Bond or Obligation, in double the Sum which they and every of them shall so receive with every fuch Apprentice or Apprentices as aforefaid, unto the Corporation of any fuch City, or ' Town Corporate, by what Name or Names foever they shall be call'd or incorporated, or to fuch Person or Persons in the other Towns and ' Parishes not incorporated, appointed by this Act to have continually the Guidance and Employment of all fuch Sums of Money so already given, or hereafter to be given, to the Intents and Purposes aforesaid respectively; upon Condition to pay fuch Sum or Sums of Money, as he or she shall receive with such Apprentice or Apprentices, at the End of seven Years next enfuing the Date of the faid Obligation, within three Months next after the End of the ' faid feven Years. And if such Apprentice happen to die within the Space of seven Years,

then within one Year after his or her said Death.
And if the Master, Mistress, or Dame, to whom any such Apprentice or Apprentices shall be bound, shall happen to die within the said Space of seven Years, then within one Year next after his or her Death, so as the said Monies may be again employed, for placing such Apprentice with some other Person of the same Trade, to serve out the Residue of the Years of his or her former Apprenticeship by the Discretion of the said Persons Trustees as aforesaid.
And be it further enacted, That every such

Sum or Sums of Money so given, or to be given

in Manner and Form, and to and for the good Uses and Intents aforesaid, shall always be put forth and employ'd by the Parties aforefaid, that by this Act shall have the Employment and Disposal thereof, within three Months at the farthest after such Monies shall come * to the Hands of the faid Parties, that by the true Intent and Meaning of this Act ought to dispose and employ the same. And if at such " Time there shall not be found fit and apt Perfons to be bound out Apprentices as aforesaid within the faid Cities, Towns, and Parishes, where fuch Sums of Money are or hereafter ' shall be given to be employ'd, as before is declared; then such of the poorest Children of any of the Parishes next adjoining, shall be bound Apprentices in Manner as aforefaid, as by the Care and good Discretion of the Parties, which by this A& have the Disposing and Em-· ployment of the faid Sums of Monies in the · Cities, Towns and Parishes, where it was first e given to be employ'd, shall be thought fit and convenient, taking fuch Bonds and Obligations

Ch. 4. poor Children Apprentices.

tions of the Persons that shall receive the same Sums of Money so put forth, and with such

Sureties, and upon fuch Conditions, as is a-

bove-mention'd and declar'd.

Provided always, that Choice from Time to Time be made of the poorest Sorts of Children of every such City, Town and Parish where such Monies shall be so given, and whose Parents are least able to relieve them, And that no such Apprentice shall be above the Age of fifteen Years, when he or she shall be so first bound

out an Apprentice.

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'And for the better Execution of this Act, be it further Enacted, That all and every Person and Persons appointed by this Act, to have the disposing and employing of any Sum or Sums of Money fo given or to he given as aforefaid, within any Town or Parish not Corporate, shall once every Year in the Easter Week, or within one Month next after Easter-day, make a ' true and perfect Account before four, three or two Justices of the Peace, dwelling in or next to every the faid Towns and Parishes, of all 6 fuch Sum and Sums of Money, as they or any of them have employ'd in binding Apprenti-' ces, by Virtue of this A&, and of all Bonds and Obligations taken for the Payment thereof: And also of all such Sums of Money as then shall happen to be remaining in their Hands not employ'd: And also shall at the making and yielding up of the faid Account, or within ten Days then next following, yield and deliver up unto fuch as shall happen next to succeed them, or then to be in their faid Rooms and Places, all fuch Obligations and Bonds, as by them or any of them have been before that Time taken to

the Uses aforesaid. As also all Sums of Money remaining in their or any of their Hands to be employ'd as aforesaid, and not employ'd at the Time of the yielding up the said Accounts.

' Time of the yielding up the faid Accounts. And further be it Enacted by the Authority aforesaid, That if any of the Parties appointed and trusted by this Act to have the Dispofing and Employment of any of the faid Sums of Money fo given or to be given as aforefaid, fhall in any Point or Degree break the Trust or Confidence in them in this Behalf repos'd, or I shall commit any other Misdemeanour or · Offence in misemploying of the said Sums of Money, or any Part thereof, or in doing any other Act or Acts contrary to their Duties, and the true Intent and Meaning of this Act, for which there is not by this Act any Penalty given or appointed: Then it shall and may be a lawful for any Person or Persons whatsoever in Behalf of the Poor in fuch City, Borough or e Parish, to exhibit his Petition to the Lord * Chancellor, or Lord Keeper of the Great Seal of England for the time being, touching the fame, which Lord Chancellor or Lord Keeper of the Great Seal of England for the time being, fhall thereupon have full Power and Authority to award a Commission out of the High Court of Chancery under the Great Seal of England, unto fuch Person and Persons as his Lordship shall think meet, to inquire, hear and determine the a faid Offences, and every of them, And if the faid Commissioners, on the most part of them, shall and, that any Sum or Sums of Money fo given or to be given are lost, wasted, impair'd or diminish'd, then they or the most part of them Shall likewise have Power by Vertue of this ney

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Act, and of their faid Commission, to rate, raife, and collect the faid Sums of Money fo loft, impair'd, wasted, or diminish'd, upon such Person or Persons in Places not incorporate, as by this Act are appointed to have the guiding and ordering of the faid Monies, if they or any of them have fail'd in their faid Duties in ' that Behalf, or otherwise, upon the able Inhabitants of the faid City, Town or Parish where the same shall so happen, as in the Discretion of the faid Commissioners, or the greatest part of them, shall be thought fittest, and to return the faid Commission, and the Manner of the Execution thereof, into the faid High Court of " Chancery within three Months next after the Execution thereof. And if any Person shall find himself aggriev'd by any thing done by the faid Commissioners, then upon Complaint made in the High Court of Chancery, the faid Lord Chancellor or Lord Keeper for the Time being, shall have full Power and Authority to order and decree the same, as to his Lordship fhall be thought most fit to stand with Equity and good Conscience.

Mr. Dalton makes a Quære, what Authority the Justices of Peace have by this Statute, if the Persons entrusted resuse to give Account; for they are only impower'd to take them. p. 154. I conceive this comes within the Words, or shall commit any other Missemeanour or Offence, And so it may be remedied in Chancery.

By the Chief Justice: If the Justices of Peace discharge the Apprentice of his Covenant to his Master, it is a good Order, the they do not exprestly discharge the Master of him, because he is

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discharg'd in Law of Course, by discharging of the Apprentice; for then the Master has no longer Power over him. 'Tis said, this must be in open Sessions, and by four Justices at the least.

Q. If they can discharge a Surgeon's Apprentice, not being a Trade within the Statute, and if he were not bound by Compulsion of the Justices, whether the Justices have Power to discharge him? For a like Construction hath been made on other Parts of the Statute; as if a Servant in Husbandry is not paid his Wages, the Justices may order it, because they might have compell'd him to serve: But you never allow an Order for Coachmen and Footmens Wages, because the Justices cannot compel them to serve. 2 Keb. 122. I Sand. 313, 314. Watkins and Edwards.

Resp. It hath been so practis'd, and Orders hath been allow'd here for payment of more than Statute Wages; and tho' an Order for payment of Coachmens Wages hath been disputed, yet an Order for an Houshould Servant never was.

Chief Justice: The Court has indulg'd Orders for Servants Wages; but as to the Imposition of Apprentices, they are not to go to a Justice of Peace, if the Servant is willing to serve; for he is not to compel unless the Party resustent. If the Statute should be taken, as it has been generally, then a rich Merchant in London may be compell'd to take an Apprentice with nothing. In the Case in Saunders, there was a Merchant, and Money given, which was allow'd; but a Surgeon is not a Trade within the Statute mention'd; tho' it is a Trade as to serving of seven hears within that Statute, that none can otherwise exercise it, but it is not a Trade mention'd before in the Statute, and the Statute cannot be

Ch. 4. pour Children Apprentices 61 extended to any other: Therefore per Cur. let

the Order be quash'd.

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It is noted, That every one that is bound an Apprentice according to 5 Eliz. c. 4, is compellable to ferve his Time out as if he was of Age when he was bound; but his Covenant is not good, fo as to enable the Master to bring an Acti-

on upon it. Cro. Car. 22.

The Certificate which is to be made by 5 Eliz.
c. 3. to the Head Officer of any City or Town
Corporate, where it requires the Father of the
Apprentice to have Inheritance of Freehold of
40 s. per Annum must be under the Hands and
Seals of three Justices of the Peace of the County where such Land lies. See the Statute.

See 5 Eliz. cap. 4. who may be compell'd to ferve by the Day in Hay and Corn Harvestime.

So who shall be compelled to serve in Hufbandry.

Also of Servants being put away before the

End of the Term.

Of a Capias against an Apprentice that departe eth and flieth into another County, to take and detain him, till he give Security to serve as he ought.

And of the Penalty for a Servant's departing

without a Testimonial.

CHAP. V.

Of poor Persons being reliev'd by their Relations, as Father, Grandfather, Mother, Grandmother, Children, &c. Who are Mothers and Fathers, or Grandfathers and Grandmothers, within this Att; and chargeable.

Y OU have been acquainted with the feveral Ways of relieving the Poor, as by Tax, or Affesment. Vide supra.

By raising a Stock. Vide Supra.

By binding forth Apprentices. Vide Supra.
By building of Houses on the Waste for the

Poor. Vide Supra.

And now I come to another Way or Means very necessary and Christian-like; and that is, by being relieved by their Relations: As to that, the fourth Branch in the Statute of 43 Eliz. c. 2. 6. 7. And be it further enacted, that the Father and Grandfather, and the Mother and Grandmother, and the Children of every Poor, old, blind, lame and impotent Person, or other poor Person not able to work, being of a sufficient Ability, shall at their own Charges relieve and maintain every such poor Person in that Manner, and according to that Rate, as by the said Justices of Peace of that County where such sufficient Persons dwell, or the greater Number of them, at their General Quarter-Sessions shall be assessed, upon Pain

Ch. 5. by their Parents or Children 63.

Pain that every one of them shall forfeit 20 s. for every Month which they shall fail therein.

the Churchwardens and Overseers of the Poor, or one of them, by Vertue of a Warrant from any such two Justices, (whereof one being of the Quorum) Major, Alderman, or Head Officer of City, Town, or Place Corporate respectively within their several Limits, by Distress and Sale as aforesaid; or in Defect of Distress, any two such Justices may commit the Offender to Prison, there to remain without Bail, till the said Forseiture shall be employed to the Use of the Poor of the said Parish.

The Father and Grandfather, Mother and

Grandmother.

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The reputed Grandfather and Grandmother feem not to be within this Statute, for a Bastard is Filius Populi. Reve's Case, 7 Car. 1. vid. infra. The Father may be compelled to allow Maintenance to his Son's Wife; (the Husband being absented) as was done in the Case of one John Bale, by Order, 2 Sept. 15 Jac. Lib. Seff. Pa. Midd.

If the Grandmother be a Person of Ability, and then marries, the Person with whom she marry'd is a Grandsather within this Stat. for by the Marriage all her Goods are given to the Husband; and qui sentit commodum sentire debet & onus: But with this Difference, If the Grandmother at the Time of the Marriage were of Ability, otherwise not. Draper's Case Mich. 7 Car. Gerrad's Case. Suppose the Wise have nothing to bring her Husband in Marriage, but after by her In-

Industry he becomes rich. Q. If he shall be charg'd? Whitlock, He shall: And Croke, to the contrary. But they both agreed, That if an Estate descend to the Wife after Marriage, the Husband shall be charged: If the Grandmother have no means, and she afterwards marry with one that hath, he shall not be charged with keeping this Child; but if the Husband have sufficient Means with the Grandmother in Marriage, there he shall be charg'd during the Life of the Grandmother, and no longer.

An Order of Sessions was made against a Feme-Covert, to keep a Grandchild of hers, and it was mov'd to discharge the Order, because a Feme-Covert was not bound by such an Order: Per Rolle: Her Husband is bound to keep his Wise's Grandchild by the Statute: But in regard the Husband is not charg'd by the Order, but the Wise who is Covert is only charg'd, the Order was quash'd. Style's Rep. 283. Jinck's

Case.

If the Child live in the County of Midd. and be maintained by the Parish there, and the Grandfather or Grandmother, &c. live in the County of Suff. the Justices of Midd. can make no Order therein, but the Justices of the County of Suff. must make an Order to charge, &c. Dalt. p. 156. and this was one Reeve's Case.

Reeve was brought to the Bar by Hab. Corpus. being committed upon this Stat. 43 Eliz. c. 2. for that he being the reputed Father of B. G. who was maintained by the Parish of St. Giles in the Fields, and he being a Man of Ability, refufed to maintain the Child, or to find Sureties for his Appearance at the next Sessions. Reeve mov'd, that the Commitment was illegal, being ground-

Ch. 5. by their Parents or Children. 65 ed upon the faid Statute, wherein is this Clause: That the Father and Grandfather, Mother and Grandmother, the Children and Grandchildren of every poor Person not able to work, (they being if Ability) Shall pay such Rates, and in such wise, as the Justices in that County where such Person dwells, at their next Quarter-Sessions shall asses, upon Pain to forfeit 20 s. per Month. Whereas there is no such Person taken Notice of, as the reputed Father of a Bastard, which is Filius Populi: It also appear'd, that Reeve dwelt in Suffelk, and coming to London about Law-Suits, was taken by a Warrant of a Justice of Peace of Midd. Per Curiam. The granting that Warrant was illegal, and all the Proceedings in Midd. coram non Judice. The Juffices at their Sessions in Midd. have not Power to make any Order, the Party living in another County; and he is not to be committed till an Order made, and a Refusal to pay the 20 s. fer Month; and if he refuse this, then (for want of Diffress) to be committed, and not before: And fer Jones and Croke, it is rea-fonable that he should contribute to the Maintenance of the Child, he being of Ability? but this is not the Way to compel him. Note, the Juffices it Soff. may make an Order in it, and so cause the Money to be fent up. 2 Bulft. p. 34. Mich. 7 Car. 1. B. R.. The Rule of Court was, to bind Reeve to appear at next Quarter-Sessions for Midd. The faid Justices, The Court of King's Bench was mov'd to quash an Order of Sessions made at Derby, for Parents to relieve their poor Children: Exception was, The Statute appoints, that the Justices at the Sessions shall assess the Rate that is to be paid for their Maintenance;

and that the Justices here have not done it, but

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66 Of Work-houses, and the Ch. 6.

have transferred their Authority over to other Justices to do it? which they cannot do, and so the Order made by the other Justices is not good? and of that Opinion was the Court. Style's Rep. p. 154, The King against Humfries.

An Order of Sessions was made, That the Defendant should pay 20 s. per Week towards the Support of his Father, till the Court should order the contrary, which was held good, because indefinite, and no set Time limited: And if an Estate happen'd to fall to him, they might apply to the Justices; otherwise if a Time was limited. Fenkins's Case. Pasch. 5. A. B. R. Salkeld 534.

CHAP. VI.

Of Work-houses, and the Method and Benefits of them. Of Houses of Correction. Who to be sent thither. Of the Governours. Of general Privy Searches. The Governours Accounts. Of the Statute 39 Eliz. Commission under the Great Seal of England, to enquire of what Monies have been given toward Erecting of Houses of Correction or Stocks.

IN this Chapter I will treat concerning Workhouses and Houses of Correction, and will mention the Statutes concerning the same. Ch. 6. Methods and Benefits of them. 67

I shall first abridge the Statute 14 Car. 2 c. 12. concerning the Work-houses in London, Middle-fex, and Surrey, it being an excellent Precedent

for other Corporations.

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There shall be one or more Corporation or Corporations, Work-house or Work-houses, in London and Westminster, the Counties of Middlefex and Surrey, lying within the Parishes in the Weekly Bills of Mortality, confisting of a Prefident, Deputy-President, and Treasurer, the Lord-Mayor for the Time being to be President, and the Alderman to be the Assistants, in London with fifty-two Citizens to be chosen by the Common Council; and the Presidents and Assistants to chuse a Deputy, and a Treasurer, and other neceffary Officers; and upon a Vacancy of any Affistant, the Power to be in the Common Council. That the Lord Chancellor, or Lord Keeper, to chuse the President and Deputy, the Treasurer and Affistants, in Westminster, out of the most fitting Persons of the Corporation there; and the Vacancies to be supply'd by Justices of the Peace in

That in Middlesex and Surrey, the President, Treasurer, and Assistants, shall respectively be nominated by the Justices of Peace in their Sessions, and the Vacancy supply'd by them: Which President, Deputy-President, Treasurer, and Assistants, shall be a Body Corporate, and shall have a perpetual Succession, and may sue, or be sued, by the Name of the President and Governours for the Poor of the respective Places afore-

mention'd in all Courts in this Kingdom and Wales, and may purchase Lands not exceeding 3000 l. per Annum, and any Goods, Chattels, or Sums of Money whatsoever; and each respective Corporation, or seven of them, may keep Courts

at

and may have a common Scal.

The President and Governours, or any appointed by them, or any two of them, may apprehend Rogues, Vagrants, sturdy Beggars, or idle and disorderly Persons, within their Pre-

cincles, and fet them to work.

The next Branch is, for the raifing of a Stock for the Foundation and future Supply: And the Common Council for London, Burgesses and Justices in Sessions for Westminster, and the Justices of Peace at their Sessions for Surrey and Middle-sex, are to ascertain such Sums of Money, not exceeding one Year's Rate, from Time to Time usually set upon Persons for the Relief of the Poor, and the same to proportion upon the several Wards, Precincts and Parishes; and thereupon the Alderman, Deputies, and Common Council-men in London, the Burgesses and Justices in Westminster, and the suffices in Middlesex and Surrey, to rate the Inhabitants; and if any be griev'd, he may appeal to the next Sessions.

The Aldermen and Deputies in London, the Burgesses and Justices in Westminster, and Justices in Middlesex and Surrey, or any two of them respectively, may, by Warrant under their Hands and Seals, authorize the Churchwardens and Overseers, to demand and receive the Money assess, and upon Notice in Writing left at the House or Lodging, and Non-payment within ten Days, to levy by Distress and Sale, rendring

the Overplus.

All Stocks in London, in the Hands of any Person, withthe Arrears of Money, and Legacies for the Poor, to be paid to the Treasurers there.

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The President and Governours, or any seven of them, may make Orders and By laws for regulating the Work, apprehending Rogues, and other Purposes.

All Sheriffs, Constables, and other Officers and Ministers of Justice, shall be aiding to the said Corporation, and to all Officers to be em-

ploy'd by them.

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By Vertue of an Act made 22 & 23 Car. 2. their Power as to laying of Rates expir'd in 1675, by which last Act, the Officers of the said Corporations are to give a Quarterly Account to the Justices of Peace, who are to call for it of them.

Indicament was on this Statute, for refusing to collect according to the Order of the Justices, which mention'd the Act only, without any Time or Place. Exception to the Indicament, because it was a private Act, and so not indicable. Per Windham, and Twisden; it's a publick Act, otherwise it would be fruitless, for a Churchwarden is a publick Officer; and here the King is in a sort concern'd, to whom Information is to be made by the Justices. 1 Keb. 732, 749. The King against Paulet, Churchwarden of St. Clements; the Court agreed it a general Law, and Judgment for the King.

Certainly the Raising of Stocks, and Providing Work-houses to set able Poor at Work, and to train up Children in the same, is the most effectual Remedy to prevent the Swarms of idle and vagrant Persons in every County: This would be the Way to pluck up the idle Weeds by the Roots, and to accustom People to Laboriousness, Industry and Frugality; then we should feldom be at the Cost to relieve any but the old and

impotent

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impotent. We have in the Statute of 43 Eliz. c. 2. Power given to the Overseers to raise Stocks, by rating the Parishioners, and setting the Poor at work, quod vid. p. 1, 2. but that Law is deficient, and doth not answer the Ends and Purposes defign'd. I distinguish Work-houses from Houses of Correction, for Persons will not willingly apply themselves thither; whereas if a good Course were taken, and good Usage in Stocks and Provision, with orderly Management, it would be rather a Society or College of Artificers, than a Bridewell, and the Work would be cheerfully carry'd on. 1. There is no Power in the Justices of Peace, or some superintendent Power, to compel the Raifing of a Stock, where the Churchwardens and Overfeers neglect it. 2. The Act chargeth every Parish apart, and it may be they can do little towards it; neither would it be so effectual, as if three or four adjoining Parishes did contribute to the Raising of a Stock, proportionable to their Poor respectively. 3. There is no Power for hiring or erecting a common House, or Place for a common Workhouse, and yet this is the least of the Defects.

Sir Matthew Hale in his little Book of the Poor, hath given a Form of Remedies for these Defects, which I shall set down briefly; the Book being scarce, and not easie to be had.

1. That the Justices of the Peace at the Quarter-Sessions do set out and distribute the Parishes, in their several Counties, into several Divisions; in each of which there may be a Workhouse for the common Use of the respective Divisions, wherein they are respectively plac'd; that

Ch. 6. Methods and Benefits of them. 71 that is to say, two, three, four or five Parishes to a Work-house, according to the Great-

rishes to a Work-house, according to the Greatnels or Smallness, and Accommodation of the

feveral Parishes.

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2. That at that Sessions, the Churchwardens and Overseers of the Poor of the respective Parishes, bring in their several Rates for the Relief of their respective Poor upon Oath. And that the said Justices do assess three, four or sive, yearly Pays beforehand for raising the Stock, and buying Materials, and for instructing Children in Trade.

3. That the Justices chuse a Master yearly for each Work-house, with a convenient Salary out of the said Stock, or the Proceed thereof, to continue for three Years; and two Overseers to see the Issuing and Returning of the said Stock, and to take the Accounts quarterly or monthly of the Master, as they shall think fit.

4. That the Stock be diliver'd to the Overfeers, and by them isfu'd to the Master, as there shall be Occasion; and that they from Time to Time receive the Proceed of the said Stock, and

the Accompts for the same.

5. That at the End of every Year, the Master and Overseers give up their Accounts to the two next Justices of the Peace, at Times by them pre-fix'd, and publickly notify'd to the Inhabitants of each Precinct, to the End they may take Exceptions to such Account, if Cause be.

6. That the Master and Overseers of every Work-house, be incorporated, and capable to take in Succession, by Will or otherwise, Lands,

Goods, or Money, &c.

7. That if any Person not able to maintain himself, shall refuse to work, to be forc'd by Warrant

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Warrant from two Justices of Peace, by Impri-

fonment and Correction.

8. If any Person employ'd shall imbezil, or wilfully prejudice or spoil his Work, he may, upon Complaint to any Justice of the Peace, receive Imprisonment and Correction by Warrant of such Justice.

The Benefits would be great, were this Method taken.

1. By incorporating of these Work-houses, charitable Persons would have a Pillar to fasten their Charity, and it would invite Benefactors, because of the careful Administration.

2. This would bring up Hundreds to gain a

Livelihood.

3. It would bring People, and their Children after them, into a regular, orderly, and industrious Course of Life; and all the Laws against Vagrants, Beggars and Wanderers, will then effectually be put in Execution, when we may be sure

they may be employ'd if they will.

4. Wealth will be encreas'd, Manufactures advanc'd, and every Body put into a Capacity of eating his own Bread. We may improve our Populousness to our Wealth as well as Holland and Flanders, and Barbadoes; and if we had the same industrious Education, we should have the same industrious Disposition.

By the Statute of 39 Eliz. c. 4. 'It is Enacted, 'That it shall and may be lawful to and for the Justices of the Peace of any County or City in this Realm, or the Dominion of Wales,

' affembl'd at any Quarter-Sessions of the Peace ' within the same County, City, Borough or 'Town-

Ch. 6. Methods and Benefits of them. 73

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Town Corporate, or the Major Part of them, to make and set down Orders to erect, and to cause to be erected, one or more Houses of Correction within their several Counties or Cities, for the doing and performing whereof, and for the providing of Stocks of Money, and all other Things necessary for the same, and for raising and governing of the same, and for raising and governing of the same, and for the Correction and Punishment of Offenders this ther to be committed, such Orders as the said Justices, or the major Part of them shall from Time to Time, take, reform or set down in any their said Quarter-Sessions in that behalf, shall be of Force, and be duly performed, and put in Execution.

This Part of the Act is made perpetual.

Observe, These Houses of Correction are called Work-houses.

The next Branch is, That an House of Correction stall be provided in every Shire to set idle Persons to work: But because it's more fully mention d in 7 Jao. c. 4. I shall recite the second Branch of that Statute.

And be it farther enacted and established by the Authority aforesaid, That before the Feast of St Michael the Archangel, which shall be in the Year of our Lord God 1611, there shall be erected, built, or otherwise provided within every County of this Realm of England and Wales, where there is not one House of Correction already built, purchased, provided or continued, one or more sit or convenient House

or Houses of Correction, with convenient Back-fides thereto adjoining, together with Mills fides thereto adjoining, together with Mills. * Turns, Cards, and fuch like necessary Implements to fet the faid Rogues, or other idle Perfons at work. The fame Houses to be built, erected or provided, in some convenient Place or Town in every County; which Houses shall be purchas'd, convey'd, or affur'd unto fuch Person or Persons, as by the Justices of Peace, or the Major Part of them, in their Quarter-Sessions of the Peace, to be holden within every County of this Realm of England and Wales, upon Trust, to the Intent the same shall be "used or employ'd for the keeping, correcting, " and fetting to work of the faid Rogues, Va-

gabonds or sturdy Beggars, and other idle and diforderly Persons.

Note, This Clause being in the Affirmative, taketh not away the Perpetuity of the Act of the 39 Eliz. So that Justices of the Peace in Cities and Corporations, may erect Houses of Corre-

ction within their Precincts.

The Justices of Peace in their Sessions may encrease the Number of Work-houses, if there be Occasion; but the Tax cannot be rais'd upon any particular Precinct or Hundred, but must be a general Tax upon the whole County, because the House of Correction must be for the whole County, and cannot be erected for a particular Precinct, unless in Boroughs and Corporations. But 'Per Cur'. The Sessions cannot delegate their Authority to particular Justices, nor invest them with a Power to erect Work-houses. &c. The Case of the Hundred of Blackheath, Pasch. I A. B. R. Salkeld 363.

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You may see the Use of these Houses of Correction is twofold: 1. To correct and set to work Rogues and Vagrants. 2. To set to work idle and disorderly Persons, which are not Rogues within the Statute: As for Rogues being correct, vid. Chap. Rogues, ubi supra.

Which Houses shall be purchas'd, convey'd, or assur'd: This may be done by Authority of the A&, without Licence, or Offence of any former Law, and this may be incorporated by the State

tute 39 Eliz. c. 5. Coke 2 Inst. p. 730.

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The faid Rogues, Vagabonds or Sturdy Beggars and other idle and diforderly Perfons. Amongst the Resolution of the Judges, it was resolv'd. that fuch persons as be of any Parish, and have able Bodies to work, and be no Wanderers abroad out of any Parish, tho' they refuse to work at fuch Wages as are tax'd (or commonly given) in those Parts, are notwithstanding not to be sent to their Place of Birth, or last Dwelling by the Space of an Year, but to the House of Correction, upon Confideration of both the Statutes of Poor and Rogues, 39 Eliz. But if they that have any lawful Means to live by, tho' they be of able Bodies and refuse to work, yet are they not to be fent to the House of Correction. But by this Statute 7 Jac. enacted long after the faid Resolutions, Tho' they have lawful Means to live by, yet if they be idle and disorderly Persons, the Justices of Peace may comit them to the House of Correction; and their Mittimus to the House of Correction may be more fafely upon this Statute, Quia otiosa & inordinata Persona, or otiosa or inordinata. Persona, than upon the Statute of 39 Eliz. Coke 2 Instit. 730.

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All fingle Persons under the Age of thirty, being warn'd by two Justices of the Peace, to put themselves into Service by a Day prescrib'd them; if they do not accordingly, but shall continue living out of Service, not having visible Means of their own to maintain them, they are to be sent to the House of Correction, or bound over &c. Dalt. 150. Co. Lit. 17.

The next Branch is, The Penalty of 5 l. to be laid upon every Justice of Peace within the County, if the House of Correction be not provided before the Feast of St. Michael the Archangel, 1611.

The fourth Branch is, 'And be it further * Enacted by the Authority aforefaid, That the ' Justices of Peace of every County within the Realm of England and Wales, at their Quarter-Sessions of the Peace to be holden for their several Counties, (next after the providing, erecting, or building of the faid House or Houfes, and fo from Time to Time, or the most Part of them, shall elect, nominate and appoint at their Will and Pleasure, one or more honest fit Person or Persons to be Governour, or Mafler of the faid House or Houses so to be purchas'd, erected, built, or provided: Which ' Person or Persons so chosen by Vertue of this e present Act, shall have Power and Authority to fet fuch Rogues, Vagabonds, idle and diforderly Persons, as shall be brought or fent unto the faid House to work and labour (being able) ' from Time to Time, for fuch Time as they fhall continue and be remaining in the faid ' House of Correction, and to punish the said ' Rogues Ch. 6. Methods and Benefits of them. 77

Rogues, Vagabonds, idle and disorderly Perfons, by putting Fetters or Gyves upon them,
and by moderate whipping of them; and that
the said Rogues, Vagabonds, and idle Persons,
during such Time as they shall continue and
remain in the said House of Correction, shall in
no Sort be cheargeable to the Country for any
Allowance, either at their bringing in or going
forth, or during the Time of their Abode there,
but shall have such and so much Allowance as
they shall deserve by their own Labour and
Work.

The Master hath his Designation by the Justices; but his Authority to punish and set at Work, by the Parliament.

Note, The Master hath Power to punish idle and disorderly Persons, by Fettering or Whipping

them, tho' they are not Rogues.

These Rogues and idle disorderly Persons shall not be cheargeable to the Country, but shall have scuh Allowances as they shall deserve by their own Labour and Work. Put the Case that such Rogue or idle Person fall sick, common Charity will su ppose he must have Relief, and in such Case the Relief may well be out of the County Stock, or by a Recommendation of the Case by the neighbouring Justices, to such as are charitably disposed.

The fifth Branch. 'And be it further enacted' That the faid Justices of the Peace of every County within every of their several Divisions' twice in every Year at the least, and oftner if there be Occasion, shall assemble and meet together for the better Execution of this Statute;

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faid faid gues 78 Of Work-houses, and the Ch. 6.

and that some four or five Days before their ' Assembly and Meeting, the said Justices, or the " Major Part of them, shall by their Warrant ' command the Constable or Tything-Men of every Hundred, Town, Parish, Village and " Hamlet within their faid feveral Divisions, " which shall be affished with sufficient Men of the faid Place, to make a general Privy Search in one Night within their faid Hundreds, " Towns, Villages and Hamlets, for the finding out and apprehending of the faid Rogues, Vagabonds, wandring and idle Persons; and that ' fuch Rogues, Vagabonds, wandring and idle ' Persons, as they shall then find and apprehend in the faid Search, shall by them be brought before the faid Justices at their faid Assembly or ' Meeting, there to be examin'd of their idle and wandring Life, there to be punish'd, or other-wife by their Warrant to be fent or convey'd " unto the faid House or Houses of Correction, within the faid County appointed and prefix'd, there to be deliver'd unto the Master or Goveron nour of the faid House, or to his Deputy or Affignee, to be fet to Labour and Work; at which Days and Times of Assembly or Meeting fo to be held by the faid Justices of Peace, the Constables and Tything-Men of every Hundred, " Parish, Town, Village and Hamlet, shall then appear in every their feveral Divisions, before the faid Justices of Peace, at the faid Assemblies or Meetings, and there shall give Account and Reckoning, upon Oath in Writing, and under the Hands of the Minister of every Parish, what Rogues, Vagabonds, and wandering and diforderly Persons, they have apprehended, both in the same Search, and also between such Assem-· blies

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nes blies and Meetings, and how many have been by them punish'd, or otherwise sent unto the Houses of Correction: Which if the said Constables or Tithing-Men shall neglect to perform, as also safely to convey all such Rogues, with all other idle or disorderly Persons, at the Charge of the Hundred, as by the Justices of Peace Warrants shall be sent unto the Houses of Correction in the same County, that then they shall forfeit such other Fines, Pains and Penalties, as by the said Justices of peace, or the most Part of them, shall be thought sit and convenient, not exceeding the Sum of 40 s. for every Offence.

In this Branch, the Justices within their feveral Divisions twice in every Year, and oftner, (if Occasion be) shall assemble and meet together, &c.

Search to be in one Night; but they have no

Power to break open Doors to fearch.

Other idle or disorderly Persons. Vide prius,

The fixth Branch, as it is abbreviated. The Governours of the Houses of Correction shall have such a Sum of Money yearly, as shall be thought meet by the more Part of the Justices of Peace within the said County at the Quarter-Sessions of the Peace; the same to be paid quarterly beforehand by the Treasurers appointed by the Statute of 43 Eliz. cap. 2. the Governors giving Security for the Continuance and Performance of their said Service; which if the said Treasurer shall neglect or resuse, to perform, then the said Master or Governor shall have Authority by this present Act to levy the same, or so much thereof as shall be unpaid, upon the said Treasurer's

furer's Account, in fuch Manner and Form as by the faid Statute they the faid Treasurers are appointed and authorized to levy the weekly Sum, or Payment being to them unpaid: And by that Statute, it is by Distress and Sale of Goods, rendring to the Party the Overplus.

The feventh Branch is, Concerning committing of lewd Women having Bastards, &c. to the House of Correction, which shall be explained in the Chapter of Bastards.

The eight Branch is, Concerning committing of Persons that do run away, or threaten to run away, and leave their Families, &c. which shall be explain'd under the Title of Incorrigible Regues.

The ninth Branch. ' And because there shall be the more Care by all fuch Masters of the * Houses of Correction, that when the Country hath been at Trouble and Charge to bring all " fuch diforderly Perfons as aforefaid to their fafe " Keeping, that then they shall perform their Duties in that Behalf: It is therefore Enacted, 'That if they shall not every Quarter-Sessions ' yeild a true and lawful Account unto the Ju-' flices of Peace of all fuch Persons as have been committed to their Custody; or if the said Perfons committed to their Cuffedy, or any of ' them, shall be troublesome to the Country by going abroad, or otherwise shall escare away from the said House of Correction, before they fhall be from thence lawfully deliver'd; that then the faid Justice shall set down such Fines and Penalties upon the faid Masters, as the most Part of them in their Quarter-Sessions shall ' think

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think fit and convenient, and all Fines and Pernalties not herein before limited shall be paid

unto the Treasurer, and accounted for by the

'Treasurer aforesaid.

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By Treasurer, they mean Treasurer of the County-Stock.

This needs no further Explanation.

By the Statute 39 Eliz. c. 4. it is enacted, that the Lord Chancellor or Keeper of the Great Seal of England, for the Time being, shall and may at all Times hereafter, without further Warrant, make and direct Commission or Commissions under the Great Seal of England to any Person or Persons, giving them, or some of them, thereby Authority, as well by the Oaths of good and lawful Men, as of Witnesses, or Examination of Parties, or by any other lawful Ways or Means whatfoever, to enquire what Sums of Money or other Things have been or shall be collected or gathered for or towards the Erection of any Houses of Correction, or any Stocks, or other Things to fet Poor on Work, or for the Maintenance thereof, at any Time after the 17th Day of November, in the 18th Year of Queen Elizabeth, and by whom the fame were or shall be collected or gather'd, and to whose Hands come, and to what Use, and by whose Direction the fame was or shall be employ'd: And to call all and every fuch Person and Persons, and their Sureties, and every of their Executors or Administrators, to an Account, and to compel them, and every of them, by Attachment of their Goods or Bodies, to appear before them for the

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fame, and to hear and detremine the same, and to levy such Money and Things as they shall find not to have been duly employ'd upon the faid Houses of Correction or Stocks, or upon other like Uses, having in such other like Uses Respect of Things past by the said Commissioners to be allowed of, either by Distress and Sale of the Goods and Chattels of fuch Persons as they shall think fit to be chargeable or answerable for the same, or by Imprisonment of their Bodies at their Discretion; and that the faid Commissioners shall have full Authority and Power to execute the same Commission, according to the Tenor and Purport thereof, and that all their Proceedings, Doings, Judgments, and Executions, by Force and Authority thereof, shall be and remain good and available in the Law. Which faid Money, fo levied by the faid Commissioners, shall be deliver'd and employ'd for the Erecting and Maintetance of the fame.

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CHAP. VII.

Of Settlement. What hath been deem'd a Legal Settlement, or not. What Fustices are empower'd about removing and settling of Wife, Children, Servants. Of Settlement, in Reference to Bastards and Mothers. Of Settlement by the Act of 14 Car. 2. Of Disturbance within Forty Days. Of Removal. Who are likely to be cheargeable, or not. Of Security for saving the Parish harmless. Of the Act of Settlement made 3 & 4 W. & M. and how far the Law is alter'd thereby.

I Shall now come to that which hath been full of Perplexity in our Books, and which hath created more Trouble to the Officers and Justices, than any one Point of this Law; (viz.) Settlements, Removals, Disturbances, &c.

And in this, I shall consider how the Law hath been, and wherein it is alter'd, that so we may the better know how it stands at this Day.

And

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And this in Reference to the Poor in general, and Servants, and Bastard-Children particularly.

Now as to the Places of fettling, they are two, the Place of one's Birth, and the Place of last Settlement, if it may be known. Rogues are to be fent to their Place of Birth, others to the Places of their last Settlement; and therefore, if one be born in one Parish, and afterwards is an Inhabitant, or in Service in another Parish, if he grow poor and impotent, or wander, he must be found by that Town wherein he dwelt, and not to be fent to his Place of Birth; But if he turn a Vagabond, sturdy Rogue, he must be fent to the Place of his Birth. 2 Bulstrode 352. Refol. 9. By 12 A. Seff. c. 23. concerning Vagrants. If a Vagrant be apprehend'd, he shall be fent to the Place he was last legally fettled at, and not to the Place of his Birth. Those that have Houses when their Terms are expir'd, and Servants whose Time of Service is ended, if they are not impotent, are to provide themselves Houses and Places; if they cannot, they are to be fet to work by the Overseers, if able; but if such Persons wander abroad, begging out of the Parish, then they shall be sent as Vagabonds to the Place of their Birth. To this Purpose was the Case of the Towns of Kimmalton and Lay-Stas, 7 Car. at Hereford Affizes, 1631. W. and his Wife liv'd at Laystas five Years, and after came into Kimmalton, and did there rent an House for a Year, and having Children, the Town fearing they would be cheargeable to them, procur'd a Justice of Peace to charge the Landlord to warn them out of the House, or to put in

Ch. 7. Of Settlements and Removals. 85

Security to fave the Town harmlefs; the Landlord put them out at the Year's End, and let the House to another: W. complains to the Justices, who order, That the Town of Kimmalton should provide him an House, paying an yearly Rent, or else that the Overseers of the Poor do provide for them; which they refus'd to do, and so were in Contempt. Whereupon W. complains to the Judge of Assize. Per Whitlock: The Order made by the Justices was against Law, for that W. was neither poor nor impotent within the Statute 43. Eliz. c. 2. but W. is to provide himself an House, and he might go back to Laystas, where he formerly liv'd, and had Means. Bulstr. 2. 242. If he become impotent, Kimmalton must provide for him.

If the Case of Settlement of a poor Child be between two Parishes, the Court usually refers it to the Judges of Affize; but if between two Counties, this Court will determine it. 3 Keb.

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What hath been deem'd a legal Settlement, and aubat not.

As to that, we find these Rules:

Every one who is fettled as a Native, an Houfhoulder, a Sojourner, Apprentice, or a Servant retain'd for one Month at the least, without a just Complaint made to remove Him or Her, shall be held to be settled, (except there be any Practice in the Case, vid. infra) Resolv. 26. This one Month is alter'd to forty Days, vid. infra; yet an Abode by the Space of a Mourh, must not be to live or keep privately fometimes in one House, sometimes in another; or to abide by

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reason of Sickness, Lunacy, Lameness, &c. nor to a Nurse Child, nor to a Scholar at School, or at University, or Persons sent to an Hospital or House of Correction, or to the Common Gaol, but their Settlement is where their Parents are settled, or themselves last lawfully settled. Resolv. 32.

If one be retain'd in Service only, or had but hir'd a House, the Law unsettles not such Perfons. Note, such as shall by indirect Means hinder a poor Man from hiring an House, may for such Disturbance be indicted upon the Statute for causing them to turn Rogues. 39. Eliz. c. 5.

And it is finable to remove or put any out of the Parish who ought not to be put out, and the Persons so remov'd may be sent back. Dalt. 98. Resolv. 11. For the Law unsettles none who are lawfully settled, nor permits it to be done, by Compulsion or by Practice.

No Settlement can be legal, that is brought about by Composition, Practice or Agreement. Therefore if a Parish will have a Man born in Abut settled with them, to go and wander, and beg in D. that he may be sent to A. and he doth so; he must be sent back to the Parish from whence he came.

No Settlement is legal, that is brought about by Compulsion. Therefore if a Man born in A. be settled in B. and he is there thrust and kept out of his House, so that he is forc'd to wander and beg in D. and thence is sent to A. he is to be settled in B. for this was by Compulsion. A Man with his Wife and Children, takes an House in one Parish for a Year, and before the End of the Term is put out of Possession, and then goeth into another Parish, where the Woman in a Barn

Ch. 7. Of Settlements and Removals. 87 is deliver'd of a Child; this Thrusting out of Possession was an illegal unsettling, therefore they must be sent to the Parish where they were last lawfully settled. Resolv. 24.

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A mistaken Settlement is no Settlement at all Therefore if a Rogue be taken and examin'd, and saith his Birth is at D. and it cannot appear otherwise, but he confesseth truly that his last Place of Habitation was at S. whereupon he is whip'd and sent to S. and at his coming to S. the Place of his Birth is known to be W. in this Case he must be sent to W.

No Settlement can be legal in any Parish, when the Residence of the Party is obscure and uncertain, as coming now and then, and lying in Barns and Out-houses, &c.

As to the Alteration of the Law as to some of these Points, vide infra, under the Statute of 14. Car. 2. c. 12. and 1 Fac. 2. and 3 & 4 Willielmi & Mariæ.

No Settlement can be where the Party is under Disturbance by the Officers: Vid. 3 & 4 Will. & Mar. infra.

Note, They that are fent from one Parish to another, must be offer'd to the Churchwardens and Overseers of the Poor of the Place, &c. and not to any other Person.

Note also, It was deliver'd by Sir Francis Harvey at Summer Affizes at Cambridge, 1629, that the Justices of Peace (especially out of their Sessions) were not to meddle either with removing or settling of any Poor, but only Rogues. Dalt. p. 158. Some hold the next Justice of the Peace may give Order in it, and upon Appeal the Quarter-Sessions shall fully take Order therein.

H. being

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H. being a Labouring Man, and having an Abode at T. goeth to work, (viz.) to make Brick with his Family to E. where he died; T. and E. being both in the County of Middlesex, his Family shall be kept by T. altho' his Employment lasts longer than that Season, as well as if he had only remov'd to an Harvest, or such like. Keb. 243. between the Parishes of Eling and Thistleworth.

An Order was made by two Justices for settling a poor Person at such a Place, and that Order was confirm'd at the Sessions; and now it was mov'd to set aside that Order, but the Court would not enter into the Merits of the Cause. The Order of Sessions being a sinal Determination, unless upon the face of the Order some Error had appear'd in Point in Form. Pasch. 29 Car, 2. B. R. 1 Vent. 310.

Settlement as to Wives and Children, where the Husband is a Servant, Rogue, &c.

Regularly the Wife is to be fent to, and fettled with, the Husband where he is fettled, tho' he be there but as an Inmate or a Servant. If he be a Rogue, she shall be fent to him; if the Husband be a Rogue, and the Wife not, she must be fent to the Place of her last Settlement so long as the Husband is in Bridewell, and then to be fent to him where he is settled.

If the Husband hath an House in A. and lives there by Night, but is in Covenant to serve a Master in B. and he is there all the Day, in this Case she is to continue in A. but if he take an House in B. she must be settled with him.

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If a Man hireth an House in A. and being there with his Wise and Children, he afterwards shall bind himself as a Servant with one dwelling in B. yet his Wise and Childring are not to be sent to B. or plac'd there, but are to remain still at A. where they were once settled; otherwise if the Husband had hir'd an House in B. Dalt. ult. Edit. 158.

If a Child be born, or be a Servant in B. it's a Settlement there whether the Father be impotent or not; but it not appearing whether the Child were above or under feven Years old, the Order was quash'd. Also the Justices cannot send the Child to the Father, but must order Contributions to be levy'd on the Father at P. (where he liv'd, to be sent to B.) and Kelynge and Moreton, said, the Wise and Children may be settled in one Place, and the Husband in another; but Twisden conceiv'd, if the Husband be settled in another Parish as a Servant, the Children not settled may be sent to him. 2 Bulst. 357. 2 Keb. 618. The Inhabitants of P's Case about Settlements as to Children.

Regularly all Children are to be fent to, and

fettled with, the Parents.

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Children above feven Years old, if begging and vagrant with the Parents, are to go to Bridewell with them; if under, to the Place where they last pass'd through without Punishment.

If Children unsettled have no Parents, or the Parents cannot be found, they must go to the Place of their last Settlement; but otherwise, young Children whose Parents are dead, and were settled, in that Place are they to be settled, and set at work, where the Parents dwelt at the

Time

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Time of their Death, and not to be fent to the Place of their Birth. Per Fleming Chief Justice.

If a Child be duly fettled with Father or Mother, and they die, or run away thence, it must there continue, and may not be sent to the Place of its Birth.

And where-ever the Woman with Child is to be settled in a Parish, if she die, her Child shall be charg d on the sume Parish. Dalt. 1 Edit. 121.

Vide plus infra, Bastard-Children.

If one great with Child be fent to the House If Correction, and there she is deliver d, the Child shall be fent to the Parish from whence the Mother came, there to be provided for: Per Jones. And Children born in the Common Gaol and Houses of Correction, their Parents being Prisoners, are to be maintain'd at the Charge of the County. Resol. 32.

Settlement as to Servants.

If a Woman unmarry'd be hir'd weekly or half-yearly in a Parish, and there she hap to be gotten with Child, and then goeth into another Parish, where she is settled in Service or otherwise two or three Months, and then she appears to be with Child; in this Case she is to be settled in this Place, and not in the Place where she was got with Child. Resilv, 12.

If a Maid-servant be got with Child at A. by one of the same Parish, and both their Times of Service end, and they marry, and then the Man is retain'd in Service at B. and the Woman is deliver'd of her Child in A. In this Case she and her Child shall be settled with the Father at B. Per Dalton 159. Vide plus infra de Bastard-

Children.

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By 12 A. c. 18. whoever shall by Indenture be bound Apprentice, or be an hired Servant to one who comes into a Parish by Certificate, (and who does not afterwards gain a legal Settlement there) such Apprentice or Servant shall not gain any Settlement in the Parish by reason of such Apprenticeship, or hiring and serving therein, but shall have his Settlement in such Parish, as he should if he had nor been bound Apprentice or hir'd as a Servant to such Person.

Of Settlements as to Bastards and their Mothers, and of Relief.

A Woman-Servant unmarry'd is gotten with Child, and then goeth out of her Master's Service before or after it be discovered that she be with Child, and the reputed Father be run away, or is not able to free the Parish; here if the Master hath legally discharg'd his House of such a Servant, he is no more bound to provide for her than any other. Refol. 13.

Otherwise he must provide for her till her Delivery, and one Month after, and so if her Time

be not expir'd. Vide post.

A hir'd Servant in A. is got with Child, after her Time of Service expir'd she goeth into another Parish, and is there hir'd in Service, or otherwise settled by the space of one Month, and is then discover'd to be with Child; she now is not to be sent to the Place or Parish where she was got with Child, but to the Place where she was last lawfully settled. Refol. 12.

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A Travelling Woman having a small Child sucking upon her, is apprehended for Felony, and sent to the Gaol, and is after arrain'd and hang'd This Child is to be sent to the Place of its Birth, if it can be known, otherwise it must be sent to the Town where the Mother was apprehended for that that Town ought not to have sent the Child to the Gaol (being no Malesactor). And so it was deliver'd by Sir Nich. Hide at Cambridge. Lent Assizes, Anno 3 Car. Regis. Dal. 157.

It is made a Quere in the Judges Resolutions, Whether a Justice of Peace may discharge a Servant being with Child from her Service allowing that as a resonable Cause, that she is thereby made unable to do the Service, which otherwife she might have done; and if he may difcharge her, whether that Parish shall provide for her till her Delivery, if she cannot provide for herself? And so also, if her Time be expir'd before her Delivery, who shall provide for her after the Time ended? Refol. 22. It is refolv'd, if a Woman being with Child procure herself to be retain'd with a Master who knoweth nothing thereof, this is a good Cause to discharge her of her Service; and if she be gotten with Child during her Service, it is all one; but in neither of the faid Cases can he turn her away of his own Authority: If her Term be ended, or she otherwife lawfully discharg'd, the Master is not bound to provide for her; but it is a Misfortune fallen upon the Parish, which they must bear as in other Cases of Impotency.

It is made another Quere, Whether one being deliver'd of a Bastard-Child in one Parish, and

goeth

Ch. 7. Of Settlements and Removals. 93 goeth into another with her Child, and becomes Vagrant, and so is sent to the Place of her Birth; her Bastard-Child being under the Age of seven Years, shall be settled with her Mother, and there maintain'd? If the Mother be not able, Whether it shall be sent to the Place of its Birth? Or being settled with the Mother, Whether the Parish where it was born shall be order'd by the two next Justices to pay a weekly Sum towards its Maintenance?

Refol. The Bastard-Child must be plac'd with the Mother, so long as it is within the Quality or Condition of a Nurse-Child, which shall be till seven Years of Age, and then is sit to be sent to the Place of its Birth to be provided for, the Mother or reputed Father not being able; and the Place where the Child is born, shall not be forc'd to contribute to the Charges as long as the Mother lives, and the Child be under seven Years

of Age.

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Margaret, B. was got with Child by one Gough; the Child was born at Drayton in the County of Salop eleven Years fince, and Guogb the reputed Father took the Child from the Mother, and placed him at Nurse elsewhere; and after marries another Woman, and dwells with her at St. Chad, and the Baffard-Child dwelt with him; afterwards Gough the reputed Father dies, leaving his Wife and divers Children, and the faid Bastard Child, all poor, and maintain d by the Parish. The Mother of the Bastard hath been all this while in Service, but is a fimple Woman, yet able to work: The Question was, Whether this Bastard shall be sent to the Town of Salop, where he had liv'd for ten Years, or to Drayton, the Place of his Birth, or to his Mother? Relow d. 94 Of Settlements and Removals. Ch.7. folv'd, It shall be sent to the Mother if she be able; if she be not, then to the Town of Salop, in regard he had been there formerly settled with his reputed Father, and because it is the Place of his last Settling, he being there for ten Years; and the Law respects the Place of last Settling, as well as the Place of Birth.

Where the Mother, or putative Father, leave their Child or Children on the Parish, the Churchwardens and Overseers, by Warrant of two Justices, may take their Goods and Profits of Lands, and by Order of Sessions sell the same, towards Maintenance of such Children; and so they may where other Children are lest by their Father or Mother on the Parish.

Upon Complaint to two Justices about a Bastard-Child, the Order of the next Sessions is conclusive, and no future Sessions can intermeddle with it. Burwell's Case, Mich. 21 Car. 2. B.

R. 1. Ventr. 48

If upon Complaint made to two Justices, a Person is order'd to keep a Bastard Child, and upon an Appeal to the Sessions that Order is discharged, that Person can never be charg'd with it again: And if no Father can be found, the Court said the two Justices must keep it themselves. I Ventr. 59.

But as to the Point of Settlement, some few of the former Resolutions are alter'd by the Statute

of

14 Car. 2. cap. 12.

Whereas by reason of some Defects in the Law, poor People are not restrain'd from going from one Parish to another, and therefore do endeavour to settle themselves in those Parishes where there

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Ch. 7. Of Settlements and Removals. 95 is the best Stock, the largest Commons or Wastes to build Cottages, and the most Woods for them to. burn and destroy, and when they have consum'd it, then to another Parish, and at last become Rogues and Vagabonds, to the great Discouragement of Parishes to provide Stocks, where it is liable to be devour'd by Strangers. Be it Enacted therefore, That it shall and may be lawful, upon Complaint made by the Churchwardens and Overseers of the Poor of any Parish to any Justice of Peace, within forty Days after any fuch Person or Persons coming so to settle as aforesaid, in any Tenement under the yearly Value of ten Pounds, for any two Justices of the Peace, whereof one to be of the Quorum, of the Division where any Person or Persons that are likely to be chargeable to the Parish shall come to inhabit, by their Warrant to remove such Person or Persons to such Parish where he or they were last legally settled, either as a Native, Housholder, Sojourner, Apprentice or Servant, for the Space of forty Days at the least, unless he or they give sufficient Security for the Discharge of the said Parish, to be allow'd by the faid Justices.

Provided, that all such Persons who think themselves aggriev'd by any such Judgment of the said two Justices, may appeal to the Justices of the Peace of the said County at their next Quarter-Sessions, who are kereby requir'd to do them Justice according to the Merits of their Cause.

Provided also, that (this Act notwithstanding) it shall and may be lawful for any Person or Persons to go into any County, Parish or Place, to work in Time of Harvest, or at any Time to work at any other Work, so that he or they carry with him or them a Certificate from the Minister of the Parish, and one of the Churchwardens, and one of the

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96 Of Settlements and Removals. Ch. 7. the Overseers for the Poor for the same Year, that he or they have a Dwelling-house, or a Place in which he or they inhabit, and hath left Wife and Children, or some of them there (or otherwise as the Conditions of the Persons shall require, and is declar'd an Inhabitant or Inhabitants there.) And if he and they hall not return to the Place aforesaid when his or their Work is finish'd, or shall fall fick or impotent whilft he or they are in the same Work, it shall not be accounted a Settlement in the Cases abovesaid, but that it shall and may be lawful for two Justices of the Peace to convey the said Person or Persons to the Place of his or their Habitation under the Penalties in this Act. And if such Persons shall refuse to go, or shall not remain in the Parish where they ought to be settled. any two Justices of Peace where the Offence is committed, may fend them to the House of Correction. And if the Churchwardens and Overscers refuse to receive such Person into the Parish where they hall be removed, any fustice of Peace of that Division may bind any such Officer or Officers to the Assizes or Sessions, there to be indicted for his Contempt.

If any Person shall be such for any Matter or Thing which he shall do in Execution of this Ast, he may plead the general Issue, and give the secial Matter in Evidence: and if the Verdist pass for him, or the Plaintist be nonsuit, or discontinue,

he shall recover treble Damages.

Per Holt Chief Justice. The most regular way for Justices to proceed upon 14 Car. 2. in removing a poor Person is to make a Record of the Complaint and Adjudication, and upon that to make a Warrant under their Hands and Seals to the Churchwardens to convey the Persons to the Parish

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Ch. 7. Of Settlements and Removals. 97
Parish to which they ought to be sent, and deliver in the Record per proprias manus into Court the next Sessions, to be kept there amongst the Records to charge the Parish, and that Record may be well removed by a general Certiorari to the Justices of Peace. Hill 4 A. B. R. Salkeld 406.

Likely to be chargeable. A Man dwelling in A. and having a Family, purchaseth Lands Bona side in B. under 10 l. per Annum, and comes to live in B. with his Family; it seems he is not removable by this Act, for he cannot be presum'd as likely

to become chargeable.

So one that removes, and hath a good Trade or confiderable Stock, is not within these Words, [likely to become chargeable.]

[Within forty Days after any such Person, &c.]

Mr. Keeling pray'd the Opinion of the Court, whether Complaint to a Justice of Peace within forty Days be such a Disturbance, as may hinder the Settlement of the Poor that is not actually by him remov'd within the forty Days. The Court conceiv'd, if there be no Discontinuance in the Prosecution, the Complaint doth disturb the Settlement, but not a bare Complaint and Sleeping a Year after, but the Parish must prosecute; and if a Sessions intervene, it is a Detault of Prosecution, and there must be a fresh Prosecution to remove, as well as complain. 2. Keb. 764, 769 The King against Warwick. Vid. infra, Statute W. & M.

The Justices make a Warrant within Time, but by reason of Sickness did not remove him till long after: And per Cur'. Here being an Order, the the Body were not remov'd, it's a Prosecution within 14 Car. 2. c. 12. 3 Keb. 673.

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The Parishioners of St. Leonard Foster-Lane gave David Burgh (who had a Wife and five Children) 5 1. in Money to remove into another Parish, upon Condition, That if he return'd in forty Days, he should repay the Money: He remov'd accordingly, and flay'd away by the Space of forty Days: The Parish to which he remov'd obtain'd an Order upon an Appeal for his Settlement in the last Parish where he was lawfully an Inhabitant: Which Order being remov'd into B. R. and the Matter appearing thus upon Affidavits, they declar'd their Opinion only upon the Order to remove, viz. That the Man had gain'd a Settlement in the Parish to which he remov'd, for he being an Inhabitant there for fo long Time, as was then requir'd by Law to make a Settlement, and not disturb'd by the Officers, they were remiss in their Duty, and the Court would not help their Negligence. 3 Mod. Rep. 67.

Order at Sessions, and confirm'd by Judges of Assize, for settling of P. seven Weeks a Servant at B. but his dwelling mostly and often at H. and sometimes as an hir'd Servant at B. and it's not said he was forty Days there, but the greatest Part of seven Weeks. Hale; Bare Service or Journey-work is not sufficient for Settlement; and what is Settlement or not, is meer Fact, and uncertain, and the Court referr'd it back to the Judge of Assize; and they conceiv'd an Appeal may be hither, notwithstanding the Judge of Assize's Order, as on Bastardy. 3 Keb. 464. The

King and Brightwell.

A Copyhold of 40 s. per Annum Value was left to B. a poor Man, for Life: Per Cur. The Poor cannot be hindred to go to any Place where

Ch. 7. Of Settlements and Removals. 99 he hath an Estate of what Value soever. 3 Keb.

674. Stanlock and Bampton.

Simile, 10 W. 3 1698. Upon an Order to remove a poor Fellow from R. to H. he having a Freehold of 41. per Annum at H. Per Chief Justice; Let a Man be settled where he will, we are all of Opinion, that a Man may go and live where he has an Estate.

A Motion was to quash an Order made for the Maintenance of a Bastard-Child, when it was born in lawful Wedlock, and the Husband was

at Cales.

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Exception, That it is faid, that the Father was not there when the Child was begot or born; in the Disjunctive, which is ill, for he might be there at one of those Times: And he must be absent the whole Space of Time, both when the

Child was begot, and when it was born.

Chief Justice; If the Child be not a Bastard, the Order is ipso facto void; 'tis out of their Jurisdiction, they must take Care that it be a Bastard. But the Order must be quash'd, for it must appear, that he was not here all the Space: If he was here either at the Beginning or Birth of the Child, it is sufficient. Let the reputed Father be bound over to appear here. Alenson vers.

Spence, Trin. 10 W. 3

Unless he or they give Security for the Discharge of the Parish. It was a Case in Mich. 14 Car. 2. 3. R. between Tavernour and Quatermaine. Bond was given to save the Parish harmless from all Charges that may happen, by placing A. in a Cottage. Defendant pleads, Non Damnificatus: Plaintiff replies, They were damnify'd by placing such a Child in the said House, in being forc'd to provide Necessaries for him, by reason of a Rate set on the Inhabi-

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tants by the Major Part of the Justices and Overfeers. Defendant demurs, for not shewing any the particular Inhabitants were tax'd or charg'd, Per Cur'. It's needless, for by the Rule made, the Possibility that they may be charg'd, is a sufficient Damnification. It was also agreed, The Overseers by 43 Eliz. may provide, and the Rate is to be set by them, and the Churchwardens afterwards, and consirm'd by the Justices: And by some, the alledging H. became poor, is a present Charge to the Parish, tho' no Rule be made; Quære of that, for till he becomes chargeable, I cannot see an Action can lie against the

Security. Vide 1 Keb. 440.

In Debt on Obligation, to fave the Parish harmless of nursing a Bastard, and Non damnificatus was pleaded by the Defendant; Plaintiff reply'd, that the Child was ready to starve, and the Parish laid out 4 s. and so damnify'd: Defendant rejoins, he was always ready to keep the Child, and offer'd to keep it, and had tender'd to pay for it, and what was laid out was de inuria propria. Plaintiff demurs, because it was a Departure; and per Curiam, it is so; it should have been pleaded specially in Bar, and this is a fufficient Breach, tho' but small: It should have been pleaded thus, That non fuit Damnificatus till uch a Time, and that then you offer'd to take Care of the Child, and tender'd, &c. Judgment pro Quer. Mod. Rep. p. 43. Richards and Hodges.

Note, By Statute i Jac. 2. c. 17. The forty Days intended for a Settlement, shall be accounted from the Time such Persons coming into a Parish deliver Notice in Writing of their Houses of Abode, and the Number of their Family,

(if

Ch. 7. Of Settlements and Removals. 101 (if they have any) to one of the Churchwardens or Overseers of the Poor of the said Parish.

Reviv'd as to what relates to Settlements of the Poor, by 3 & 4 W. & M. Seff. 3. cap. 11. See chap. 11.

Continu'd per 4 & 5 W. & M. Seff. 4. cap. 24.

6 24.

Vide 3. Mod. Rep. 247. Mich. 3 Jac. in B. R. Rex vers. Inhabitantes de Malden: Where, upon this Statute, it was alledg'd, that being tax'd to the Poor, would not amount to Notice; and the Counsel cited a stronger Case, which was, viz. That the Churchwardens of Covent-Garden certify'd under their Hands, that fuch a Person was an Inhabitant within their Parish; but because no Note was left with them pursuant to the Statute, notwithstanding such Certificate, he was held to be no Inhabitant within their Parish; and of that Opinion was all the Court. Yet this Case is otherwise reported by Sir B. Shower, Rex vers. Payn. Pasch. i W. & M. and that coming in publickly by taking a House, and being rated in the Poors Rates, &c. was sufficient Notice. Vid. cap. prox.

Now are we come to a Statute, whereby thefore Notices to be given, and being tax'd, &c. are fully declar'd; which is that of 3 & 4 W. &

M. cap. 11.

By which, the Act made 13 & 14 Car. 2. for the better Relief of the Poor; (except what relates to the Corporations therein mention'd) which was reviv'd and continu'd with Alterations, by an Act made in the first Year of the late King James II. shall be in force from the first Day of March, 1691.

It

It is also Enacted, That the forty Days Continuance of a Person intended by the said Act to make a Settlement, shall be accounted from the Publication of a Notice in Writing, which he or she shall deliver of the House of his or her Abode, and Number of his or her Family, to the Churchwarden or the Overseer of the Poor; which shall be read immediately after Divine Service, in the Church or Chapel of the Place, on the next Lord's day, when there shall be Divine Service in the same: The Churchwarden or Overseer to register such Notice in the Book kept for the Poors Accounts.

No Soldier, or any other Person in her Majesty's Scrvice, shall have Settlement by Delivery and Publication of Notice, as aforesaid, unless they be dis-

mis'd the Service.

Churchwardens or Overseers resusing to read, or cause to be read, such Notice, as aforesaid, supon Proof thereof by two Witnesses upon Oath before a Justice of Peace) shall forfeit 40 s to the Use of the Party griev'd, to be levy'd by Distress, and Sale of Goods, by Warrant of a Justice of Peace to the Constable; and for want of a Distress, shall be committed to Gaol for a Month: And if any Churchwarden, or Overseer, shall neglect or resuse to register such Notice as aforesaid, they shall forfeit 40 s. to be levy'd as aforesaid; and for want of Distress shall be committed as aforesaid.

If any Person coming to inhabit in any Town, or Parish, shall on his own Account execute any publick Annual Office or Charge in the same during a Year; or jay his Share towards the publick Taxes or Levies of such Town, &c. he shall be adjudg'd to have a legal Settlement, without

Notice in Writing deliver'd, &c.

If any unmarry'd Person, not having Child or Children, shall be lawfully hir'd for a Year; such SerCh. 7. Of Settlements and Removals. 103
Service shall be deem'd a good Settlement without
Notice, &c.

Being bound Apprentice, and inhabiting in a Town or Parish, shall be adjudy'd a good Settlement. Persons aggriev'd by the Determination of any fustices of the Peace, may appeal to the next Quarter-Sessions, who shall determine the same.

If any Person be remov'd by Vertue of this Act from one Place to another, by Warrant of two Justices of the Peace, the Churchwardens or Overseers of the Place to which he shall be remov'd shall receive him; and in case of Refusal, (upon Proof by two Witnesses, upon Oath before a Justice of Peace of the County, Riding, &c. to which he shall be remov'd) shall forfeit 5 1. to the Use of the Poor of the Parish from which he shall be remov'd; to be levyed by Distress and Sale of Goods, &c. by Warrant of a Justice of Peace of the County, &c. to which he shall be remov'd, to the Constable of the Place where such Offender dwells; and for want of a Distress, shall be committed to Gaol for forty Days.

Persons aggriev'd by the Judgment of the said two Justices, may appeal to the next General Quarter Sessions of the Place, from which the said

Person was remov'd.

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There shall be kept in every Parish, at the Parish-Charge, a Book or Books, wherein the Names of Persons receiving Collections shall be register'd, with the Time when they are first admitted to have Relief, and the Occasion of their Necessity: And yearly in Easter Week, or oftner, the Parishioners shall meet and have such Books produc'd before them, and the Persons receiving Collections shall be call'd, and the Reasons of their taking Relief examined, and a new List be made and enter'd of such as they shall think sit to allow to receive F a

Collection; and no other shall be allow'd to receive Collection, but by Authority under the Hand of a Justice of Peace residing in the Parish; and if there be none in the Paris next adjoining, then by Order of the Justices of Peace in their Quarter-Sessions; except in Cases of Pestilential Diseases, Plague or Small-Pox, in respect of Families infected only.

In all Actions to be brought in the Courts at Westminster, or at the Assizes, for Monics mispent by the Churchwardens or Overseers, the Evidence of the Parishioners (other than such as receive Alms) of the Parish where the Desendants are Inhabitants, shall be taken and admitted.

Note, It was mov'd to quash an Order of Schfions, for that the only Ground of settling a poor Person in the Parish, appears upon the Order to have been, for that the Banns of Matrimony of the poor Person were publish'd in the Parish-Church, which is ill; for that the Notice given the Parish must not only be in Writing, but the other Ceremonies requir'd by the Statute of 3 & 4 W. & M. must be observ'd. And that Act being an Explanatory Act, cannot be taken by Equity.

And in the Case of the Inhabitants of Dalbery vers. the Inhabitants of Toston. Hill. 8 W. 3. B. R.

A Man comes into a Parish, and there keeps a Smith's Shop, and is employ'd in his Trade by a Justice of Peace, the Lord of the Manor, the Parson of the Parish, and several other Inhabitants; and the Question was, If this amounted to a Notice, and consequentially a good Settlement within the said Statute? And held per tot' Curiam, That it was not a good Notice, and by Consequence no good Settlement: For that Sta-

Ch. 7. Of Settlements and Removals. 105 tute is an explanatory Law, and the Direction thereof ought to be strictly pursued. And they cited a Case, Mich. 7 Willielmi, between the Parishes of St. Nicholas and St. Hellen's in Abington, where one coming into a Parish was rated to Parish-Duties, but did not pay; and adjud'd it

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was no Settlement, the Statute saying, [shall execute any Office or Charge, or pay his Share.]

But Note, in the Case of the Inhabitants of Ipswich, it was held, That where one was rated or assessed to a street to a Notice and Settlement within this Act, tho' the Statutes only says, [Taxes or Levies of such Town or Parish:] For tho' this be no Parish-Tax yet it is a Tax on such a Town or Parish, and, the Statute saying, [Publick Taxes.] And Quere the Case of the Inhabitants of Grampond, Trin. 7 Will. A Man kept an Alehouse in the Parish where the Officers of the Parish us'd to meet to make up their Rates, &c. and the Court inclin'd, That this did amount to a Notice within this Statute.

Observations on this last Act of Settlement, made in the third and fourth Years of William and Mary, cap. 11.

This Act confifts of three Parts.

1. Supplemental and Explanatory of the Laws, as to Settlements.

2. Directive, as to the Poor being enter'd into Pay and Relief, and who shall be so relieved, and how long.

3. Enabling the Parishioners to become Witnesses in a Suit, for recovering of Money misspent by Churchwardens and Overseers.

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Be it enacted, that the forty Days Continuence of such Person in a Parish or Town, intended by the said Act to make a Settlement, &c. By the Statute of 14 Car. 2. c. 12. If forty Days elaps'd, without Complaint to a Justice of Peace, and Diflurbance, then it was a good Settlement: If the Disturbance was within forty Days, tho' Profecution was not till after, it's no good Settlement. (Vide prius.) Now in two Cases, a Man by that Act ought not to have been disturbed: 1. If he were not likely to be chargeable. 2. If he fettled in any Tenement of the yearly Value of 10 l. Now I conceive, the Act of William and Mary doth not reach either of these Cases: the Words are. Forty Days Continuance, intended by those Acts to make a Settlement. Now by 14 Car. if 2 Man came to settle a Tenement under 10 l. per Annum, he might be disturbed within forty Days; if he were not, then it made a Settlement: But then if one took 10 l. per Annum, he could not be disturbed at all, and that I conceive to be a good Settlement: and there needs no publishing of Notice by this Act; for as those Acts did not extend to 10 l. per Annum, so neither doth this. The Intention of all the Acts is plain; if the Parties were fuffered to inhabit forty Days without Disturbance, it's a Sign that the Parish was well pleas'd with their Continuance: But the Law of 14 Car. 1. was deficient, and did not anfwer the Ends; for many Persons would come and perhaps first creep into a Parish, and after bring in their Children as Inmates or Sojourners, in some blind Corner or other, and by the Aid of fome Relations and Friends, might fculk without Disturbance for forty Days, and so steal a Settlement.

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This Act hath clenched the Nail in that Point. By it, the forty Days shall be accompted from the Publication of Notice in Writing, &c. This is sufficient Notice to a Parish, that so they may make Enquiry who they are, and what are their Circumstances, that come to live amongst them; if they find they are like to become chargeable, they have the same Liberty of Disturbance as before; but if the Churchwarden and Overseers do not complain within forty Days after such Notice, that makes a compleat Settlement.

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The Removal must be as is appointed by the Statute 14 Car. 2. by the Warrant of two Justices of Peace, whereof one to be of the Quorum. And yet by an after Clause of this Act, it seems to be by the Warrant of any Justices of the Peace: For in the Claufe of receiving fuch as shall be remov'd, it faith, If any Person be remov'd by Vertue of this Act, by Warrant, under the Hands and Seals of two Justices, the Churchwardens and Overfeers, &c. Vid. Postea: But this is of Removal from one County to another. And by the faid Act of 14 Car. 2. Those that give sufficient Security to save the Parish harmless, are not within this Act of William and Mary, but are become fettled without any Publication of Notice.

If after Publication of this Notice there be a Disturbance, Whither must such Person be remov'd? To such Parish where he was last legally settled, either as a Native, Housholder, Sojourner, Apprentice or Servant, for the Space of forty Days at the least; the Place of Settlement now must be the Place which was a legal Settlement before this Act commenc'd; and this apprears by the Care and Care and

pears by 14 Car. 2. cap. 12.

Now that which the Law has alter'd chiefly by this Act is, that bare Inhabitancy without Disturbance shall not make a Settlement, as it was always heretofore; but Inhabitancy and Publication of Notice will, if no Disturbance be for forty Days after the Publication. As to other Points, the Laws concerning the Poor stand as they did.

Now I conceive, fix Sorts of Persons are not within this Act of William and Mary.

1. Those that are not likely to become chargeable, and this by the Construction of 14 Car. 2.

they need no Publication.

2. Such as shall give Security to save the Parish harmless, if they become poor; yet their Settlement is legal, and their Security must be sued.

3. Such as shall come into any Parish, and there for himself, and on his own Account, execute any publick annual Office or Charge in the said Town during one Year; as if he execute the Office of Bailiss, Constable, Overseer, Scavenger, &c. but he must not be hir'd to do it for another.

4. Such as are charged with and pay their Shares to the Publick Taxes or Levies of the Town or Parish where he is, shall be deemed to have a legal Settlement, tho' no such Notice in

Writing be publish'd.

5. An unmarried Person not having Child or Children, being lawfully bir'd into any Parish or Town for one Year, that makes a good Settlement; tho' there be no Notice in Writing. Observe, It is be bir'd into any Parish, and saith not, live there; so that the bare Hiring for one

Year

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Year feems to be a Settlement, and so the Law

was taken formerly. Vide prius.

6. If any Person shall be bound Apprentice by Indenture, and inhabit any Town or Parish, such Binding and Inhabitation shall be adjudged a good Settlement without such Notice.

First, It must be by Indenture, or else it's no Settlement: And then it must be Binding and Inhabitation; bare Binding is not enough, as it

feems it is in the Cafe of Hiring.

As to Notice, we may fee.

1. Of what Notice is to be made, and that is, of the House of his or her Abode, and the Number of his or her Family, if he or she has any.

2. To whom it must be delivered; to the Church-warden or Overseer of the Poor; to one

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3. How this Publication of Notice is to be made: 'It must be in Writing, and the Church- warden to cause it to be read publickly immediately after divine Service, in the Parish- Church or Chapel of the said Town, on the next Lord's Day, when there shall be Divine Service for the same; and they are to register the said Notice in Writing in the Poors Account-Book.

We have confider'd, that fix forts of Perfons may have a legal Settlement, tho' there be no

Notice of Publication.

Now there are some that shall not have a Settlement in a Town or Parish, tho' there be Delivery and Publication of such Notice in Writing.

'No Soldier, Seaman, Ship-wright, or other 'Artificer or Workman employ'd in their Ma-'jesties Service, shall have a Settlement by such

Publi-

'Publication, unless the same be after the Dif-'mission of such Person out of their Majesties

' Service.

These Persons are sent upon peculiar publick Employs and Professions, and act not properly as private Men; and therefore their Inhabitancy in such a Case is not intended for a Settlement, any more than a Scholar at School, or at University: and as to that, the Law is as formerly, and Publication in such Case shall not make a Settlement.

The Penalty for not causing the Notice in Writing to be read is plain, and how it is to be recover'd; it's 40 s. for every Offence, upon Proof by two Winesses before a Justice of Peace, to the Use of the Party griev'd; to be levied by Distress and Sale of the Offender's Goods, by Warrant under Seal of any one Justice in the Division, to be directed to the Constable; and for want of Distress, Imprisonment for one Month.

The like Penalty for not registring the 40 s. Forfeiture, for this Neglect is to the Use of the

Poor.

Now if any Person shall find himself aggriev'd, by any Determination, which any Justice or Justices shall make in any the Cases abovesaid, the said Person may appeal to the next General Quarter-Sessions, who upon full hearing shall have full Power to determine the same.

So that as to the Cases abovesaid, no further Application need to be made to the Judges of

Affize. Q. de hoc.

We have feen how and in what Cases Persons may be remov'd; the next Clause is, How they are to be receiv'd, in Case a Removal be from one County to another.

If

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' If any Person be removed by Virtue of this Act, from one County, Riding, City, Town Corporate or Liberty, to another, by Warrant under the Hands and Seals of two Justices, the Churchwardens and Overfeers of the Poor of the Parish to which the Removal is, shall receive the faid Person, and upon Refusal to receive, shall forfeit the Sum of 5 l. to the Use of the Poor of the Parish from which the Removal was, to be levied by Distress and Sale of the ' Offender's Goods, by Warrant under Hand and ' Seal of any Justice of the Peace of the County, &c. to which fuch Person was remov'd, to ' the Constable of the Parish where such Offender dwells: And for want of sufficient Distress, to be by him committed to Prison for forty Days. This is in Case of Removal from one County

or Jurisdiction to another; for the Justices of Peace for one County cannot properly send their Warrants into another County, &c. therefore this A& impowers them to make such Warrants.

But if any Person be aggriev'd with any such Judgments of the two Justices, he may appeal to the next General Quarter-Sessions of the Peace to be held of the County, City, &c. from which the Party was so remov'd.

The next General Part of this Act, of the Poor's being enter'd into Pay, and how long they

shall continue so:

It's Enacted, 'That a Book shall be in every Parish, and in it shall be set down the Names of such as receive Collection, with the Day and Year when they were first admitted to have Relief, and the Occasion which brought them under that Necessity. And yearly in Easter Week the Parishioners shall meet, and all Persons re-

' ceiving

ceiving Collections shall be call'd over, and a new List made as they shall think fit to allow Collection to; and that no other Person shall have Collection, but by Authority under the

Hand of one Justice in the Parish, or near Adjacent, or by Order of Sessions, except in Case

of Plague or Small-pox.

The last Part is, 'That upon Suit for Recovery of any Monies missipent, or taken by Churchwardens or Overseers, the Evidence of the Parishioners (except such as receive Alms, or any Pension out of such Collection) shall be admitted in all Courts of Record at Westminster, or at the Assizes.

Note, By the Statute 8 & 9 Will. 3. c. 30. it is Enacted, 'That no unmarried Person, not having Child or Children, lawfully hir'd into any Parish or Town for a Year, shall be deem-

ed to have a good Settlement in fuch a Parish, unless he continue in the same Service during

one whole Year. And by the same Statute, ' If any Person, who fhall come to any Parish or other Place to in-' habit, shall at the same Time deliver to any of ' the Churchwardens or Overseers of the Poor of the Place where he comes, a Certificate under ' the Hands and Seals of the Churchwardens or Overfeers of the Poor of any other Parish or Place, attested by two or more Witnesses; thereby owning the Person nam'd in the faid ' Certificate to be an Inhabitant legally fettled in that Parish or Place; such a Certificate having been allow'd or subscribed by two Justices of the Peace of the County, City or Borough, from whence it comes, shall oblige the said Parish or Place to receive and provide for the PerCh. 7. Of Settlements and Removals. 113

fon mention'd in the Certificate with his Family as Inhabitants, whenever the Party shall happen to become chargeable to the Place, to which such Certificate was given; and then, and not before, it shall be lawful for such Person and his Children (tho' born in that Parish) not having otherwise acquired a legal Settlement, to be remov'd to the Place from whence

' fuch a Certificate was brought.

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> Now for the better Explaining of this Claufe about the Certificate, by Statute 9 & 10 W. 3. c. 11. it was Enacted, 'That fuch Persons as shall come into any Parish or Place to inhabit, should at the same time deliver to the Churchwardens or Overfeers of the Poor there, a Certificate, as by the Act is directed: But it is declar'd, that no Persons that shall come into any Parish by any fuch Certificate, shall be adjudg'd by any Act whatfoever, to have procur'd a legal Settlement in fuch a Parish, unless such Persons shall Bona fide take a Lease of a Tenement of 10 l. fer Annum, or shall be legally plac'd in, and execute some Annual Office in such a Parish. 3 Mod. Rep. 247, &c. That where, upon fuch a Certificate from a Parish, he was held to be no Inhabitant within their Parish, because no Notice was left with them, pursuant to the Statute.

By the aforesaid Statute 8 & 9 W. 3. the Appeal against an Order for Removal of any poor Person, shall be had at the Quarter-Sessions of the County or Division wherein the Parish or Place from whence such a Person shall be remov'd doth lie, and not elsewhere; but the Liberty of St. Albans is excepted out of this Act as

to an Appeal.

Also Justices of Peace at their Quarter-Sessions. upon any Appeal concerning the Settlement of any poor Person, or upon Notice given of an Appeal, (tho' the Appeal be not afterwards profecuted) shall award to the Party for whom such Appeal shall be determined, or to whom Notice had been given, fuch Costs and Charges as they shall think reasonable: and if the Person order'd to pay fuch Costs shall live out of the Jurisdiction, any fuch Justice of the Peace where such Perfon shall inhabit, may and shall upon Request, and upon a true Copy of the Order produc'd, and prov'd upon Oath, cause the Money mentioed in such Order to be levied by Distress, and in Cafe no Goods can be found, to commit the Perfon to Prison for twenty Days.

And by this Statute, every Person that receives Relief, shall wear a Badge, a Roman (P) upon the Right Shoulder of their upper Garment, The Person refusing or neglecting to wear such a Badge, to have the Relief withdrawn: And that if any Churchwardens or Overseers of the Poor shall relieve any such poor Person not wearing such a Badge, shall forseit 20 s. for every Offence.

Where the Justices of Peace said in their Order, That they were credibly inform'd that such a Place was the last legal Settlement; said to be ill, for they ought to have averr'd it expressly, for otherwise they don't pursue the Statute, which saith, That the Party must be remov'd to the last Place of legal Settlement.

It was alledged on the other Side, That (credibly inform'd) doth suppose that it might be upon Oath or otherwise. Ch. Justice; We will intend nothing but what appears in the Order it self. Hill. 8. W. 3. Parish of Sawbridge's Case.

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Ch. 7. Of Settlements and Removals. 115

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An Exception was taken to an Order for fettling a poor Man, That he did not rent an House of 10 l. per Annum. Ch. Justice; That most of the Orders fince 13 Car. 2. have been so; and tho' it might have been better, if it had been added, That he was likely to become chargeable to the Parish; yet since the Precedents have been so, we will not alter it.

But then another Exception was, That 'tis not faid in the Order, there was a Complaint made by the Churchwardens. It is fatal, for the Juffices of Peace cannot remove a Man without it: And tho' it is faid here, that Complaint was made, yet fince it is not faid, by the Inhabitants or Churchwardens of the Parish, it is ill: Let the Order be quash'd. Mich. 7. W. 3. in B. R. Rex adv. Inhabit. de Marlborough.

Where an Order is made for the Settlement of a poor Person, and an Appeal thereupon to the Sessions, the Sessions may aftirm or quash that Order, but they cannot send such poor Person to a third Parish, who are no Parties to the Appeal. Inter Inhabit. Oswell & Woking. Pasch.

8 W. 3. B. R. Salkeld 472, 475.

An Order reciting, Whereas we are credibly inform'd, the Place of his last legal Settlement, &c. is naught, for the Place of his Settlement ought to be positively averr'd, and adjudged by

the Justices. Salkeld 473, 478, 479.

The Removal of a poor Person may be by two Justices of the County, tho' not of the same Division. Salkeld 480. but one of them must be of the Quorum, and so recited to be, or the Order is naught. Ibid, and 475. And they must appear to be Justices of the County in the Order, or it is ill. Salkeld 474.

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No Notice can make a Settlement but what is pursuant to the 3 and 4 W. & M. c. 11. Salkeld 476.

The paying of Parish-Rates by a Person who does not come in by Certificate, will gain a Set-

tlement. Salkeld 478.

An Order made by two Justices, being quash'd by the Sessions, the Sessions Order was quash'd in B. R. because it did not appear the Cause came before them by Way of Appeal, without which

they have no Jurisdiction. Salkeld 479.

A Settlement by Order of Sessions upon an Appeal binds all Parties, and if a poor Family after such Order return to the Parish from whence they were remov'd, the Sessions must see their Order obey'd: But if such poor Family go into another Parish, not concern'd in the Appeal, then two Justices of the Peace ought by an original Order to remove them to the Parish where they were settled by the Sessions Order. Inter Inhabitan' Downhead & Broadchalk. Hill. 9 W. 3. Salkeld 481, 489.

Where two Justices of one County send a poor Person to a Parish in another County, two Justices of the County whither such Person is sent, cannot make an Order to remove him back again, or to send him to any other Place: And the Town to which such Person was sent has no other Remedy than by Appeal to the Sessions of that County from whence the Party was sent. Inter Inhabitan. King's Norton & Swolhill.

Hill. 9 W. 3. B. R. Salkeld 481, 488.

If a poor Man fettled at A. marries a poor Woman who is fettled at B. and has Children by a former Husband, the Wife shall be remov'd with him to A. but the Children, such of them

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as are above feven Years old, shall not be remov'd, and those under seven shall be removed only for Nurture; so that they shall be kept at the Charge of the Parish from whence they are remov'd. Mich. 10 W. 3. B. R. Salkeld 482.

A general Order to remove a Man and his Fa-

mily, is not good. Salk. 482, 485, 588.

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Where the first Order is naught no subsequent Order on an Appeal can make it good. Mich. 10 W. 3. B. R. Anonymus. The same Resolution. Trin. 2 A. Inter Selen & Ripley. Salkeld 482.

Where a Person appeals against a Poors Rate, the Sessions may quash the whole Rate and make a new one themselves, or order the Churchwar-

&c. to make a new one. Salkeld 483.

Whether the Justices have Power to send a poor Person to a Place that is extraparochial? There are Resolutions both ways. Salkeld 486, 487.

A Determination on an Appeal to the Sessions is only binding between the Parties to the Appeal. Inter Bedenham & Kingston-Bowsey. Hill.

11 W. 3. B. R. Salkeld 486.

An Order drawn up to have the Opinion of the Court concluding, And if the Court should be of Opinion, then, &c. was held to be right. Ibid.

The Examination of the poor Person must be recited in the Order to be by both Justices (because the Adjudication ought to be by both) or the Order is naught. Inter Ware & Hamstead. 12

W. 3. B. R. Salkeld 488.

Where an Order is made by two Justices of a Corporation, the Appeal must be made to the Sessions of the County, and not of the Corporation. Inter Watsord & Wendover. Pasch. 13 W. 3. B. R. Salkeld 450.

It ought to appear in the Order, that the Perfon remov'd is a Person removeable. If it be recited, That whereas Complaint hath been made to us that A. is likely to become chargeable, it is nought; but if it be said, Whereas it appears to us upon Complaint, &c. that A. is likely to become chargeable, it is well enough. Salk. 491.

Where an Order is confirm'd, or not appealed from, it is conclusive to all the World; but where an Order is reversed by the Sessions, such Reversal only determines, that the Place the Party was sent to, was not the Place of his last legal Settlement. Inter Swanscomb and Shensfeild.

Pasch. I A. B. R. Salkeld 492.

An Order for Removal of a poor Person, not reciting that it was made upon Complaint of the Churchwardens, &c. is naught. Inter Weston-Rivers and St. Peter's in Marlborough. Salk. 492.

Where the Sessions make an Order, and in the same Sessions vacate it by a subsequent Order, it is held to be well enough: For the Sessions is all deem'd but one Day, and the Justices may alter their Judgment at any Time while it continues. Inter St. Andrew's Holborn and St. Clement Danes. Mich. 3. A. B. R. Salkeld 294, 606.

A Motion was made to quash an Order of Sessions, because the Justices had adjourned the Appeal from one Sessions to another, and so the Determination upon the Appeal was not at the next Quarter-Sessions. Per Cur. The Appeal must be lodged at the next Quarter-Sessions, but when it is lodged, the Justices may adjourn it. The Case of King's Langley. Trin. 1 W. 3. B. R. Salkeld 605.

The Sessions need not set forth the Reason of their Judgment. Salkeld 607.

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An unmarried Person, hired for a Year, married before the Year was expired. It was held that he could be remov'd, and that upon persorming his Service, he would gain a Settlement. Inter Farringdon and Witty. Pasch. 1 A. B. R. Salkeld 527.

An Order, reciting a Complaint, that a Certificate-Man is beome chargeable, is not good, unless he is adjudg'd by the Justices (in the Order) to be actually chargeable. Salkeld 530.

A poor Person having liv'd a considerable Time at B. but gained no legal Settlement there, B. gave him a Certificate to C. whither he went in Order to get his Living. The Man became chargeable, and was fent back to B. B. having discover'd a third Place, where he was legally fertled, fent him thither. And it was refolv'd, that although B. had given a Certificate, acknowledging him an Inhabitant with them, this should only conclude them against the Town to which it was given; and that the giving a Certificate did not create a Settlement, where there was none before; though it is a strong Evidence of a Settlement. Inter All-Saints and St. Giles in Northampton. 2 A. B. R. Salk. 530. Vide the Case of Honiton and St. Mary Axe. Mich. 9 A. B. R. contra. Salkeld 535.

One who hir'd a House of 3 l. per Annum in a Corporation, was made a Freeman, and voted as such at the Election of Bailists there, was held to be no Inhabitant notwithstanding; For at this Day nothing shall create a Settlement that comes not within the Words of the Statute of 3 & 4 W. & M. c 11. Dom. Reg. vers. the Inhabitants of Buckingham. Pasch. 5 A. B. R. Salkeld 534.

One was hired as a Servant to live at Ridgwick for half a Year, and afterwards was hired to live there for another half Year with the same Person. and thereupon ferved a whole Year in one continued Service, but by feveral Hirings. Per Cur'. It ought to be one entire Contract, and one entire Service; the one is required by the Statute as well as the other. That the 14 Car. 2. which requir'd but forty Days Stay to make a Settlement. had been found inconvenient; for by gaining a Settlement in forty Days, Servants became infolent, and that these later Acts of 3 & 4 W. & M. c. 11. and 8 & 9 W. 3. c. 30. do but turn the forty Day's Service into a Year's Service, and the Hiring to be a Retainer for a Year according to the Statute of Eliz. to create a Settlement. Inter Dunsfold and Ridgwick. Mich. o A. B. R. Srikeld 535.

Refolv'd by the whole Court that the Renting of a Water-Mill of 10 l. per Annum gains a Settlement. Inter Evelin and Kentcombe. Hill.

10 A. B. R. Salkeld 536.

CHAP. VIII.

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Of the Relief of Bastards, and of punishing their reputed Parents. The Power of Justices in making Orders. What Orders shall be good or not. What sinal or not. Of Appeals. Of the Power of Justices of Peace in Sessions, by a Car. c. 4. And how far that alters the Statute of 18 Eliz. Of the Punishment of the Mother of a Bastard-Child. Of the reputative Father and Mother of Bastard-Children running away. If they have an Istate, how to be employ'd.

Under this Head of Bastards, I shall set down the Stat. made 18 Eliz. c. 3. How Justices of Peace shall order the Punishment of the Mother, and reputed Father of a Bastard, And cite such adjudg'd Cases thereon that shall direct us as to the Maintenance of such Bastard-Children.

Concerning Bastards begotten and born out of lawful Matrimony, the said Bastards being now left to be kept at the Charges of the Parish where they be born, to the great Burden of the same Parish, and in defrauding of the Relief of the impotent and aged true Poor of the same Parish, and to the evil Example and Encouragement of lewd G

Life: It is enacted. That two Justices of the Peace, whereof one to be of the Quorum, in or next unto the Limits where the Parish Church is within which Parish such Bastard shall be born (upon the Examination of the Cause and Circum-Rances) Shall and may by their Discretion take Order, as well for the Punishment of the Mother and reputed Father of fuch Bastard Child, as also for the better Relief of every fuch Parify in part or in all, and shall and may likewife by like Difcretion take Order for the keeping of every fuch Bastard-Child, by charging such Mother or reputed Father with the Payment of Money weekly. or other Sustentation for the Relief of Such Child in such wife as they hall think meet and convenient: And if after the same Order by them subscrib'd under their Hands, any the faid Perfons (viz.) Mother or reputed Father, upon Notice thereof. Thall not for their Part observe and perform the faid Order, That then every fuch Perfor so making Default in not performing the said Order to be committed to Ward of the common Gaol, there to remain without Bail or Maintrize; except be, She, or they, shall put in sufficient Surety to perform the faid Order, or else personally to appear at the next general Sellions of the Peace to be bolden in that County where such Order Shall be taken, and also to abide such Order as the faid Justices of the Peace, or the more Part of them, then and there shall take in that behalf (if they then and there shall take any) and that if at the said Sessions the said Justices shall take no other Order, then to abide and perform the Order before made, as is abovefaid.

That two Justices of the Peace, &c. The Ju-Rises of Peace in Case of Exigence may provide for Ch. 8. Punishment of their Parents. 123

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for Bastard-Children; and other Justices of Peace. besides the two next, may make an Order; and this Statute was only made to order and regulate the Manner, which may be extended by Equity unto any Justices into whatsoever Place the reputed Father removeth. The Case was, the Juflices of London made an Order for keeping of a Bastard-Child in S. in Suffex, and there the reputed Father gave Security to keep him. Now the Party having remov'd into London with the Child, the Order is fufficient, tho' it were to pay 15 l. Arrears of 3 s. by the Week order'd in Suffex. and to give Security to pay for the future what the two next Justices think fit: Here being not only a Contest between the Parish and the Defendant as to the Bastard, but for his Misdemeanour in refusing necessary Maintenance; and the Court remanded him, and confirm'd the Or-1 Keb. 459. William's Cafe.

At the next general Sessions. Upon Motion to quash an Order made by the Justices of Peace at their Sessions in Kent, for the keeping of a Bastard-Child; it was resolved, that these Words, [next Quarter-Sessions] shall be intended, that the Order made by the Justices shall be confirmed at the next Quarter-Sessions, held for that Part of the County where it was made, and not the very next Sessions in the County, for this would be mischievous in many Counties, as in Kent: For the Sessions held at Canterbury do not intermeddle with Things done in Maidstone Division, nor Maidstone with Canterbury Division. Sydersin.

p. 149. The King vers. Coystan.

This Act is continued by 3 Car. 1. c. 4. (that is to fay) so much of it as concerns Bastards, begotten out of lawful Matrimony, with this Addition

1124 Of Bastards, and the Ch. 8.

dition, that all Justices of Peace within their several Limits and Precincts, and in their several Sellions, may do & execute all Things concerning that Part of the faid Statute, that by Justices of Peace in the feveral Counties are by the faid Sta--trute limited to be done. This Clause that gives Authority to Justices of Peace in Sessions, is to be understood, where the next Justices have made no Order therein. Dalt. p. 40. For the Justices of Peace in Sessions could not before the Stat. 3. Car. 1. c. 4. meddle with the Settlement of, or Provision for a Bastard Child, according to 18 Eliz. c. 3. until the two next Justices had made fome Order therein; and after fuch Order made by the two next Justices, the Sessions might proceed therein to make a new Order. But now by this Stat. 3 Car. 1. c. 4. the Justices in Sessions have Power originally to make an Order therein.

As to Baftards begotten and born out of lawful Matrimony.

The Statute 18 Eliz. c. 3. shall be taken by Equity; and although Bastards are intended Children born, yet the Justices may take Security of such as are big, or of reputed Fathers during that Time, lest they be gone before the Child be born; and after the Child is born, it is an usual Practice for the Overseers to take Security of the reputed Father to save the Parish harmless; and oftentimes they take a Sum of Money in Gross for that Purpose, specially about London. And many say, that if the Child die in a short Time after, this Money is concealed from the Parish; of which, Quere.

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An Order of Discharge was not the next Seffions after the Charge, the Desendant being beyond Sea; but it was the next Sessions after the Desendant return'd, and had Notice of the Order of Charge as reputed Father: Per Cur'. Did this appear in the Order of Discharge, that the Sessions after Notice is the next, on 18 Eliz. c. 3? 3 Keb. 551. The King and Baker.

This Statute shall be taken by Equity; and albeit Bastards are intended Children born, yet the Justices may take Security of such as be big, or of reputed Fathers during that Time, lest they be gone before the Child be born; which the Court agreed. 3 Keb. 708. The King and Browne,

And the reputed Father of such Bastard-Child. By this Statute the reputed Father is only chargeable, and therefore in one Linter's Case, the Indictment of a reputed Grandsather of a Bastard was quash'd, and all the Orders therewith re-

mov'd, were quash'd also. 3 Keb. 7 47.

Note. Every Justice of Peace (upon his Discretion) may bind to the good Behaviour, him that is charg'd or suspected to have begotten a Bastard-Child, that he may be forth-coming when the Child shall be born, otherwise there will be no reputative Father, when the two Justices (after the Birth of the Child) shall come to take Order according to the Statute 18 Fliz. The like may be done after the Birth of the Child, and before fuch Order taken. Lambert 122. Crompt. 196. Dalt. 39. And if such reputative Father shall by Perswasion or other Practice be convey'd away, or run away, so as the Justice of Peace cannot come by him; every Justice of Peace, upon his ... Discretion, may bind to the good Behaviour, and so over to the next General Gaol-Delivery, or to

the next Quarter-Sessions, such as shall have an Hand in fuch Practice; and fuch Offenders may by the Discretion of the Justices (at their General Sessions) be order'd to contribute towards the Maintenance of the faid Bastard-Child; So if Constables having receiv'd a Warrant to apprehend the reputative Father, shall willingly or negligently fuffer him to escape, shall fine them: So if the Mother be conveyed or fent away, whereby she leaveth her Child to the Charge of the Town.

Such Bastard shall be born. Such Bastard-Child must be such that is left to the Charge of

the Parish, or one likely to be chargeable.

Take Order, &c. and upon Non-Performance, to commit, except Sureties put in to perform the said Order, &c. Hammond's Case, 3 Car. 1. was, He got a Child; the Examination whereof was referr'd to the two next Justices, according to the Statute upon which the Justices make an Order. which Hammond refus'd to perform; thereupon they cause him to enter into Bond to appear at the next Sessions, where he appear'd; the Justices there made another Order, and because he refus'd to perform this, they committed him to Prison. Per Curiam. the Imprisonment was illegal, being not warranted by the Statute, but they ought to have proceeded against him upon his Bond. By Hide, Ch. Justice: The Justices ought not to commit for not performing their Order of Quarter-Sessions, where they alter the former Order made by the Justices, who first had the Examination; for by the second Order the first was made null: and it was one Smith's Cafe, 6 Car. 2. It appear'd by Proof before two Justices, that Smith was the reputed Father of a Bastard-Child, and

Ch. 8. Punishment of their Parents. 127
and the Justices made an Order for Maintenance
of the Child, and for Discharge of the Parish according to Law, and afterwards committed him
for not performing the Order: Per Cur' B. R.
The Commitment is void, and the Justices should
have taken Bond of him to appear at next Sefsions.

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But this Case went farther: Sir H. Poole and Dr. Standard being the two next Justices, did examine this Matter; upon which it then appear'd that one Field was the reputed Father; and made their Order against Field, that he should maintain the Child, discharge the Parish, and enter into Bond for his Appearance at the Quarter-Seffions, and to abide their Order there made: He refus'd to enter into Bond, but appear'd at the Sessions, and there shew'd that Smith was the reputed Father. The former Order was certify'd, but the Justices did nothing upon it, but granted a new Reference unto Dr. Standard and Master Gregory, Sir H. Poole being gone out of the County, and they made the last Order contrary to the former, and by this they charg'd Smith as the reputed Father: It was refolv'd, 1. That the Justices at their next Quarter-Sessions ought to have made their final Order, or to have affirm'd or disallow'd the former Order, and then afterwards to have granted a Reference to the fame next Justices which made the first Order, to confider better of it, and of the Proof, and this had been according to Law. 2. That after an Appeal to the Sessions, and the Justices there do repeal the first Order, the Matter is then as Res integra before them, and they may then grant a Reference to the two next Justices. 3. That the

Recognizance ought to be in the Disjunctive,

(viz.) To perform the Order by them made, or to appear at the next Quarter-Sessions, and to abide the Order there. 4. The Reference by the Justices at the Sessions, before they had allow'd or disallow'd the first Order, was illegal:

This was fo resolv'd in the King's Bench.

Anne Tarling having a Bastard-Child; upon Complaint made thereof to the Sessions, it was referr'd to the next Justices to examine and order; who did make an Order against John Wood to be the reputed Father, and order'd him to allow one Shilling and Four-pence weekly, &c. Wood appeal'd to the Sessions, where the said Order was difallow'd, and one W. C. charg'd to be the reputed Father. Jones Justice at Glocester Assizes, confirm'd the last Order made at Sessions, which was final, and no Appeal to be admitted against it. And so was Pridgeon's Case of Lincolnsbire: Pridgeon being examined, was found by two Justices to be the reputed Father of a Bastard-Child; they made an Order against him, for Allowance, &c. Afterwards he appeals to the Seffions, where Pridgeon was discharged, and another was found to be the reputed Father, and an Order made against him. Afterwards at another Seffions of the Peace, upon a Re-examination, another Order was made against the last Order, whereby Pridgeon was found again to be the reputed Father, and fo order'd to maintain the Child, and if he did not perform it, should be committed; he was committed, and brought his Habeas Corpus. Pridgeon appeals to the Judges of the King's Bench. Refol. that Pridgeon shall be freed from the fecond Order at Sessions, it being illegal; and the first Order made by the Quarter-Sessions, upon Appeal to them, to stand

Ch. 8. Punishment of their Parents. 129 in Force, and no Appeal to be admitted against it, the same being final, and not to be alter'd by the Judges of Assize. Cro. Car. 341, 350. Jones

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It was resolv'd upon the Statute 18 Eliz. c. 3. That the Justices of Peace at their Sessions, nor the Judges of Assize, have Power to meddle with Bastard-Children, but upon Appeal and Settling; but this is to be done by the two next Justices. Pasch. 8 Car. 1. B. R. Bowber and Painter.

But suppose two such Justices cannot agreeupon their Order, what is then to be done? As, suppose they cannot agree upon the reputed Father, &c. Some think it fit that such Difference should be referred to the Hearing of the whole Bench, fo the Matter to be re-examined by them, and what Order therein shall be fet down by the Bench, the same to stand good; but I like the other Opinion best, which is (as is conceiv'd) the Words of the Statute being in the Disjunctive, Two Justices of Peace in or next to the Limits, If two Justices of Peace in that Divifion or Limits cannot agree, then the two Justices of Peace next to that Division or Limits (being in the same County, and one of them of the Quorum) have Power to take Order therein.

But now per Stat. 3 Car. 1. c. 4, the Justices have Power in Sessions originally to make Orders about the Settlement or Provision for Bastard-Children, which before they had not; for now the Justices of Peace in Sessions have the same Authority given them as was given the two Justices by 18 Eliz. 3. and the same Rules are to be observed in drawing their Order mutatis mu-

zandis.

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This Statute doth not give Authority to one Sessions to alter that which in a former Sessions was order'd; for the Statute is, that if the two next Justices of Peace do not make Provision for the Bastard, the Justices of Peace at their Quarter-Sessions shall settle an Order for keeping the Bastard, as the two next Justices ought. Cro. Car. 350, 351. Pridgeon's Case.

The Justices can't confirm the first Order, and add further Penalty; but they may alter or enlarge at Pleasure upon Appeal; but on Appeal they cannot refer the Order back to be alter'd by the first Justices. 1 Keb. 570. The King against

Terry.

By this Statute, 3 Car. 1. c. 4. the Justices in Sessions may proceed on Order made by the next Justices, whether begun originally in Sessions or not. 2 Keb. 720. The King against Jennings.

On the Confideration of these foregoing Cases, Kelinge said, that in the first Order of Justices for keeping a Bastard, the Security by 18 Eliz. is to abide the Order of the next Sessions, and no other; and if they assire the first Order on Appeal, or annul it, still the first Security only remains, and no other can be taken of him, or any other Person that shall appear to be the reputed Father; and in this Case, the Justices of the third Sessions have nothing to do to discharge or affirm the first Order. 1 Keb. 546. The King against Costing.

A Servant-Maid dwelling in Treyning was got with Child, and being near her Time, was convey'd by Practice into an Out-house in Tewksbury, where the Child was born. Afterward Treyning gave her Relief; and as soon as she was able to remove, they of Twyning gave her and her

Child

Ch. 8. Punishment of their Parents. 131 Child Relief for two Years. Afterwards the Mother being fick, they fent her away with her Child to Longden in Com' Wigorn. where the Mother died: Then they of Longden fent the Child to Twyning, and they of Twyning fent the Child (being under the Age of three Years) to Tereksbury, and they fent it back to Treyning. Refolv'd at the Affizes, 9 July, 8 Car. An. 1682. The Child regularly is to be kept where it was born, if no Practice was us'd to have it born there; but if by Practice, then it is to be kept by the Parish where she did dwell, and where she was got with Child, and which us'd fuch Practice, and that is the Parish of Treyning. And so it: was order'd.

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And in Trinity Term, 3 An. a Cafe was thus: viz. A poor Woman with Child was removed: from the Parish of Westbury to the Parish of Costham, by Order of two Justices near Westbury; and before the Sessions, she was brought to Bed at Coftham, and afterwards the Order was quash'd on. Appeal at the Sessions. And per Cur'. The Child is legally fettled in the Parish of Westbury, from whence the Mother was illegally remov'd; forthey shall not take Advantage of their owns Wrong: And so it would have been in this Case, though they had not known of the Woman's being with Child at the Time of the wrongful Removal. But if a Woman with Child be travelling, swithout Fraud of the Parish in which she is fettled, and in fuch Travel is deliver'd of her Bastard, it shall be settled where born; but otherwife if there be Fraud in the Cafe: According to which, see the Case of the Parish of Boreham in Ffex, 2 Bulft. 349. And Note, in the principal Cale supra, it appeared on the Order of Removal, That the Woman had a Husband, who had left.

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her feven Years before, but not faid that he was dead, and fo the Child could not be a Bastard.

A Man is charg'd to be the reputed Father of a Bastard by Order of two Justices; he appeals to the Sessions, and prays a Day to another Sessions to bring in his Proofs; and besides giving a Day, nothing is done. Now the Question was, If the Court might give him Relief at another Sessions? And at the Assizes, per Walter Chief Baron, resolv'd, That the next Sessions, after the two Justices Order, must relieve him, or none else could. 6 Car. 1. Gitten and Edwards. So in 6 Car. 1. it was resolved in the Case of one Smith against the Parish of Blackthorn in Comit. Oxon.

Note, Such as shall remove or put any out of the Parish that ought not to be put out, this is against the Statute concerning the Relief of the Poor, and finable; and if any be so sent away, they may be sent back again. And this Fine seemeth to be by Force of the Statute of 39 Eliz. cap. 4. and to amount to five Pounds, and is to be levied by Distress and Sale of the Offenders Goods, upon a Warrant under the Hands and Seals of any two Justices of the Peace, either upon the Confession of the Offenders, or else upon the Testimony of two sufficient Witnesses.

If a Man consents in a Court of Record to keep a Bastard-Child, if after he neglect, an Attachment lieth. 1 Keb. 534. The King against

Spearing.

If a Man live in an House at A. there with his Children, but works in B. where he is hir'd for a Year; in this Case his Children shall be in A. but if he have a House in B. they shall be sent thither. Dalt. 158.

Ch. 8. Punishment of their Parents. 133

For the placing and fettling of poor People, who (for want of Charity) are much fent and toss'd up and down from Town to Town, and from County to County, It hath been holden by some, the late A& of Settlement. 1 Fac. 2. c. 17. 3& 4 W. & M. cap. 11. 8& 9 W. 3. cap, 30. and

5 Annæ cap. 34. are full in the Point.

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A Maid-Servant was gotten with Child by one R. at D. and the Child born there; R. take the Child from the Mother, and puts it to Nurse, and marries another Woman, and keeps the Child with him ten or eleven Years together, and died, leaving a Wife and divers Children, which she was not able to maintain, but they were reliev'd by the Parish. The Mother of the Bastard-Child ufually liv'd at Service, and had three Pounds per Annum left her by her Friends; but it was not in her own Hands, and she was still able to do fome Work, tho' she was a Woman but of a week Understanding. It was refolv'd at Salop Affizes, by Jones and Whitlock, 7 Car. 1. That the Child was to be fent to the Mother, if she were able to maintain it; if not, to the Place where it was fettled ten Years with the Father. 2 Bul. Rep. 350.

Farther Observations touching Orders for the Relief of Bastard-Children.

1. If the Party appeal to the next Sessions, and the Justices there make an Order thereupon, it is final, and cannot be alter'd by any after-Sessions. Crok. Car. 350. And this was the Case of Pridgeon.

2. The Order must be by two Justices of the

Peace, whereof one is of the Quorum.

3. It must appear by the Order, that the Justices of Peace, making the Order, are the next Justices of Peace to the Parish-Church where the

Child was born. Style 154.

4. A Return of an Order of Justices of the Peace for keeping a Bastard-Child, remov'd hither by Certiorari, was read; and upon the Reading, the Court was mov'd to quash the Order upon this Exception chiefly; for that the Order doth not direct how long the Party shall keep the Child, as the Statute doth direct it should; and it was quash'd. For the Payment must be made to continue fo long as the Child shall be chargeable to the Parish; for the Party may take it, and keep it himfelf; and where the Mother is able, the Justices have nothing to do in the Case. Style's Rep. 154. and pag. 386. Order was to pay three Shillings per Week to keep a Bastard. It was quash'd; the Party may keep it. himfelf, if he will.

5. It must be positively declared and adjudged who is the reputed Father, and not to repeat what the Witnesses say, or what the Mother saith, but the Order must be positive and absolute; for it is a Judgment in the Case, and every Judgment must be positive and certain. Therefore in Mich. 24 Car. 1. the Court was moved to quash an Order of Sessions made, that one should keep his reputed Child, because he had kept him heretofore; and it doth not shew, either that it is his Bastard, or his lawfully begotten Child;

and it was quash'd. Style's Rep. p. 154.

6. The Order was, That the Party should pay a weekly Sum for the keeping of the Child; and

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Ch. 8. Punishment of their Parents. 135

it was quash'd; for no such Order could be made without the Party's Consent: And by the Statute, he is only compellable to secure the Parish where the Child was born, that it should not be a Charge to the Parish. See Style's Rep. 14.

7. If it doth not appear that the Justices had any Power to make any Order at all in the Case, as if it appears not where the Child was born, and so it may be born in another County, where the Justices have nothing to do, it shall be quash'd. Style p. 14. As an Order of Sessions made at Arundel in Sussex, for paying so much Money Weekly to a Parish, towards the keeping of a Bastard-Child, was quash'd; because it did not appear by the Order, that the Child was born in that Parish to which the Money was awarded to be paid. Style's Rep. 368.

8. By fome, the Justices of Peace may adjudge a reasonable Sum in Gross, to be paid to the Parish for the Charges of the Woman's Lying-in. The Justices order'd a Sum in Gross, besides a weekly Payment for Maintenance of the Child, and the Order was held to be good. Reg. vers.

Odam. Mich. 12 Anne. B. R. Salk. 124.

9. None else can be made chargeable to the Keeping of it but the reputed Father or Mother, and the Master for suffering it to be got in his House; but as to the last, for the Master. Vide

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of a private Sessions of Peace, that was remov'd hither by Certiorari; The Order was, That one should contribute to half the Charge towards the keeping of a Bastard-Child, because he did suffer a Soldier to get the Child upon the Body of his Maid-Servant. Per Cur. This is not within the

136 Of Bastards, and the Ch. 8. the Statute 11 Eliz. and therefore the Order

was quash'd. Style's Rep. p. 207.

11. An Order of the publick Sessions, made against one Denton for the keeping of a Bastard-Child, was remov'd into this Court by a Certiorari; and the Party also, who was committed to Aylesbury Gaol for disobeying the Order, was brought into Court upon an Habeas Corpus granted to him; and upon the reading of the Return of the Habeas Corpus, this Exception was taken to the Return, That it appears by the Return, that the Order, made for Denton to keep the Bastard-Child, was made by the Justices at the Quarter-Seffions; and that, for not obeying this Order, he was committed to the Gaol by two Justices at a private Seffions of the Peace: Whereas the Juflices at the Quarter-Seffions had no Authority by the Statute to make fuch an Order; for it ought to have been made by the next two Juflices of Peace to the Place where the Bastard was born. And to this, Glyn, Chief Justice, agreed, but would not release the Prisoner till he was bound over with good Bail to the next Quarter-Sessions for the County of Buckingham, to appear there, and to answer the Fact. Style's Rep. p. 475. Denton's-Case. But this Opinion feems not to be Law; for by Stat. 3 Car. I. c. 4. Tustices in their Sessions have Power originally to make Orders about Bastard-Children. Vide Supra.

The Money for keeping a Bastard-Child, may be order'd to be paid to the Overseers, weekly.

Where the Sessions proceed upon the 18 Éliz. they have no Power to commit the reputed Father for Disobedience, but must proceed on his Recognizance: But if they proceed upon the 3 Car.

Ch. 8. Punishment of their Parents. 137

Car. they may commit as the two Justices might have done; unless the Party put in Security to perform the Order, or appear at the next Sessions. Reg. vers. Weston, Trin. 4 Annæ. B. R. Salk. 122.

An Order made by two Justices, that a Parish shall raise a Sum towards the Maintenance of a Bastard, a poor Person, does not determine the Settlement of that Person in that Parish, the Right of the Settlement being not contested, but presum'd. Budworth & Dumply. Hill. 5 Annæ, B. R. Salk. 123.

Indictment for not performing an Order of Sefsions.

An Order was made by the two next Juffices; the Party appeal'd to the Sessions, and they make an Order that the Party shall abide the Order of the two next Justices de novo; the Court held it well enough. I Keb. 517. The

King against Parsons.

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Orders made by three Justices of Peace, if they be void in Part as against Law, yet they shall be good for the Residue. The Party gave Security to obey the Order of the next Sessions. The Sessions, on confirming the Order, do also order that the reputed Father of the Party shall put in new Security, such as, &c. This is idle and nugatory, there being no Appeal by the Party. 1 Keb. 534. Siders. p. 150. The King against Costing. This must be understood when the Clauses are distinct.

On Appeal, the Justices may order the Feme to the House of Correction, or alter the Maintenance, although nothing were made by the first Justices. Order to keep the Child at so much

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per Week, or discharge the Parish: A good Order. 1 Keb. 570. The King against Terry.

Order was made for Keeping a Bastard-Child, which was made on Appeal ad Sessionem pacis Westm. not saying next General or Quarter-Sessions; this was the Exception: But per Curiam. Both Sessions are shew'd particularly, and so it appears to the Court none could be betwixt, and so ad proximam Sessionem not necessary, B. R. 14 Car. 2.

The Justices which make an Order for Bastards have no Votes in Sessions; they cannot be thought to be equal Judges. Per Hyde, C. Ju-

stice.

Counsel excepted to an Order for a Bastard Child, being made by two Justices, not saying one to be of the Quorum. Sed non allecat. I Keb.

782.

The Justices may by Order charge them with weekly or monthly Payments: If the Child be never chargeable to the Parish, the Justices have nothing to do with it; but when once the Parish is charg'd, they may make Order to pay two Shillings and six pence per Week; and it ceaseth by other Provision made for the Child, as Descent of Estate, &c. Edgeot's Case, cited in Sharp's Case. I Keb. 782. The Order was to pay three Shillings per Week till the Child be eight Years old; the weekly Payment is good, and the other Time will not make it void. 2 Keb. 300. The King against Bonisace.

An Order of two Justices of Peace of Middlefex was to Hill, to pay eight Pounds to the Churchwardens to reimburse the extraordinary Charges they have been at, or were likely to be at hereafter: This was excepted to, but per Cur's It's well enough; and it shall be intended such

Charges

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Charges as they were engag'd in, as for Midwife, and other Necessaries; as their taking the Person of the reputed Father, also for a Monthly Payment. But for the giving Security upon Pridgeon's Case, they conceiv'd it was not good to abide such farther Order as they should make; and the Court committed him till the Payment of eight Pounds. 2 Keb. 179. The King against Hill.

Counsel mov'd to quash an Order for keeping a Bastard-Child, being two pence per Week; but Per Cur. The Justices at Sessions having declar'd him the Father, and order'd so inconsiderable Maintenance, this Court may increase the Sum, else the Order will be inassessual. The Court agreed, they might confirm Part, and repeal Part, or the Sute may be now at Sessions originally, but they cannot return any Order to the two next Justices to amend; but by Consent here, the Parties were sent down to the two next Justices, and the Order quash'd. 2 Keb. 356. The King against Purchas.

Cost is allow'd upon a Certiorari on Removal of an Order of a Bastard-Child. 2 Keb. 500. Hazelfoot, as cited in the Case of Cusse and

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Two Justices of Peace made an Order in Sessions-time against one R. as reputed Father, for keeping a Bastard-Child: R. appeal'd after the Order made by two Justices to the same Sessions, where the Justices made an Order, that one B. should keep it. Jones mov'd to set aside this Order, because he said, the first Order being made in Sessions-time, that Sessions could not be said to be the next within the Statute 18 Eliz. and because the Justices at the Sessions did not quash the Order made by two Justices; Kelynge. They ought

ought to have done that: Twisden. They may vacate the first Order and refer it back to two Justices as Res integra. The Parties were bound to

appear at next Affizes for Effex.

Note, The Order was to pay twelve Pence per Week, till the Child came to be twelve Years of Age; which by Twisden was ill, for it ought to have been made, so long as the Child continues chargeable to the Parish. I conceive he means the Order is ill for that Part, as to the Time of twelve Years: Vid. supra. Mod. Rep. p. 20. 2 Keb. 575. 2 Bulst. 341. Burrel's Case.

An Order of Justices to pay so much a Week, till the Child came to sourteen Years of Age, held to be nought: It should have been so long as the Child is chargeable. Salk. 121. Reg. vers.

Barebaker.

The two Justices order W. to keep the Bastard-Child, W. appeals, and is at Sessions discharg'd; and they refer it again to the same Justices, who find one R. the Father, who appeals, and is at next Sessions discharg'd, and W. charg'd again; it's ill. Per Curiam. Both these Parties being discharg'd, the Child must lie on the Parish, unless new Persons be found out; as Pridgeon's Case was; and the Order against W. was quash'd. 21 & 22 Car. 2. Hill. B. R. The King against Windsor.

Order was to reimburse 40 s. for the Midwise, and 4 l. for Nursing; it was not made to reimburse the Parish, but to reimburse the Mother of the Bastard. And, 2. It was to pay 7 s. a week to the Mother as the Nurse, till the Child be able to gain a Livelihood by working; both well enough per Curiam, and more certain than if it had been to a certain Age: but it was agreed, that the Charges precedent to the Order

Ch. 8 Punishment of their Parents. 141

of the Justices, as for Nurse or Midwise paid by the Friends of the Party, unless the Parish be chargeable therewith, is not good. 3 Keb. 23.

The King against Sherman.

Order of Sessions was excepted to, because it appears not that the Child was born in the Parish where it's faid to be chargeable, (viz.) H. But because the Child cannot be chargeable to any other Parish than where born, and it doth not appear it was born in any other Parish, it's well enough; and tho' it be faid by the two Justices of Peace [next to the Parish,] not [next to the Parish-Church.] yet per Twisden and Cainsfield, it's well enough, for that is all one by Intendment: And it was further excepted; That there is no Order to give Bond; and this Order being confirm'd by the following Seffions upon Appeal, there is now no Remedy on the Bond. Sed non allocat. For the Statute 4 Car. 1. that they should commit the Party, unless he give Bond: And all later Orders after the Confirmation on the Appeal, as to Affirmance or Difallowance, must be quash'd, but not Orders to enforce Payment; they are good, and the Order first made was confirm'd, 3 Keb. 383. The King vers. Jennings.

When a Woman is separated from her Husband by Divorce a Mensa & thoro; the Children she has during their Separation are Bastards, unless it be found the Man had Access to her: But if Husband and Wife are separated by Consent, without such Sentence, the Children are deemed Legitimate. Salk. 123. The Case of the Parishes of St. George and St. Margaret Westminster.

Mich. 5. Anne B. R.

I shall not speak of the Punishment of the Mother or reputative Father of the Bastard-Child it being my design only to treat of the Relief

Relief of the Poor, &c. Only let me add, That over and above the Punishment in the Statute II Eliz. c. 3. quod vide supra, it is enacted in one Clause of 7 Fac. c. 4. about the Houses of Correction, That every leved Woman which hath any Bastard which may be chargeable to the Parish, the Fustices of Peace Shall commit such leved Woman to the House of Correction, there to be punish'd, and fet on work during the Term of one whole Year; and if the shall eft soons offend again, then to be committed to the faid House of Correction as aforesaid, and there to remain until the can put in good Sureties for her Good Behaviour, and not to offend fo again. This is not to be till after the Child is born, and she able again; and this must be done by two Juffices, which may be the fame as are authorized by 18 Eliz. It's the common Practice to fend the Child with the Mother.

As to farther discharging and saving harmless the Parish from Charges of such Bastard-Children, there is a Clause in Statute 14 Car. 2. c. 12. an Act entituled, For the better Relief of the Poor of this Kingdom, viz. Whereas the putative Fathers and leaved Mothers of Bastard-Children run away out of the Parish, and sometimes out of the County, and leave the faid Bastard-Children upon the Charge of the Parish where they are born, altho' fuch putative Father and Mother have Estates Sufficient to discharge such Parishes: It is Enacted therefore, That it shall and may be lawful for the Churchwardens and Overfeers for the Poor of such Parish, where any Bastard Child shall be born, to take and seize so much of the Goods and Chattels, and to receive so much of the Annual Rents or Profits of such reputative Father, or texed Mother, as shall be order'd by any two fustices of Peace as aforefaid, for or towards the Discharge of the Parish,

Ch. 8. Punishment of their Parents. 143 to be confirmed at the Sessions, for the bringing up and providing for such Bastard-Child. And thereupon it hall be lawful for the Sessions to make an Order for the Churchwardens or Overseers for the Poor of such Parish to dispose of the Goods by Sale or otherwise, or so much of them, for the Purposes aforesaid, as the Court shall think fit; and to receive the Rents and Profits, or so much of them, as shall be ordered by the Sessions as aforesaid, of his or her Lands. If any Person shall be sued for any Matter or Thing which he shall do in Execution of this Act, he may plead the general Isue, and give the special Matter in Evidence; and if the Verdiet pass for the Defendant, or Plaintiff be nonfuited, or discontinue his Suit, the Defendant hall recover treble Damages.

No Order relating to a Bastard-Child shall be quash'd, unless the reputed Father be present in Court. Rex versus Mathews, Hill. 8 W. 3. B. R. Salk. 475.

Although the Statute direct, That an Order for Maintenance of a Bastard-Child shall be under the Hands of two Justices, yet if there be more,

it does no hurt. Salk. 477.

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The Examination of the Mother of a Bastard-Child must appear in the Order to be taken by both Justices, or the Order is void. Salk. 478.

An Appeal from an Order for the Maintenance of a Bastard must be at the first Sessions after the Father has Notice of the Order; and an Appeal not appearing to be at the next General Sessions, the Order of Sessions was quash'd in B. R. Salk. 482.

A Bastard ought to be kept where it is born. Salk. 485. C H A P.

CHAP. IX.

Of Rogues and Vagrants. Who shall be accounted such. Of their Punishment, Settlement, and several Cases and Resolutions thereupon. Of Incorrigible Rogues. Who shall be accounted such, and their Punishment. Who are Offerders against the Statutes of Rogues, and their Penalties, The Reward of apprehending a Rogue, per Statute 14 Car. 2. c. 12.

BY Statute 39 Eliz. c. 4. whereby the former Laws concerning Vagabonds or Rogues, and Houses of Correction are repeal'd; All Persons calling themselves Scholars going about begging; All Seafaring Men pretending Loffes of their Ships or Goods on the Sea, going about the Country begging; All idle Persons going about in any Country, either begging, or using any subtil Craft, or unlawful Games or Plays, or fancying themselves to have Knowledge in Physiognomy, Palmestry, or other like crafty Science, or pretending that they can tell Destinies, Fortunes, or such other like Phanastical Imaginations; All Persons that be, or utter themselves to be, Proctors, Procurers, Patent-gatherers, or Collectors for Gaols, Prisons or Hospitals; All Fencers, Bearwards, common Players of Enterludes, [other than those belonging to any Baron of this Realm, or any other honourable

Ch. 9. Of Rogues and Vagrants. 145

honourable Personage of greater Degree, to be authorized to play under the Hand and Seal of Arms of such Baron or Personage;] All Jugglers, Tinkers, Pedlars, and Petty-Chapmen, wandering abroad; All wandering Persons, and common Labourers, being Persons able in Body, using Loitering and refusing to work for such reasonable Wages as are tax'd, or commonly given in such Parts, where such Persons do or shall happen to dwell or abide, not having Living otherwise to maintain themselves; All Persons deliver'd out of Gaols that beg for their Fees, or otherwise do travel begging; All such Persons as shall wander abroad begging, pretending Losses by Fire, or otherwise; and all such Persons not being Felons, wandering and pretending themselves to be Egyptians, or wandering in the Habit, Form or Attire of Counterfeit Egyptians; shall be taken, adjudg'd, and deem'd Rogues, Vagabonds, and sturdy Beggars.

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Note, By Statute of 1 Fac c. 7. it's Enacted, That no Authority, to be given or made by any Barron of this Realm, or any other honourable Perfonage of greater Degree, unto any other Person or Persons, shall be available to free or discharge the said Persons, or any of them, from the Pains or Punishment of the said Statute. And in the said Statute 1 Fac. c. 7. it is Enacted, That all such Person and Persons as shall wander up and down the Country to sell Glasses, shall be adjudg'd, deem'd

and taken, as Regues and Vagabonds.

The Word Rogue comes from the Hebrew 913 Roage, or because oftiatim Rogat, which is all one; for I question not but the Latin, as well as English Word, Rogo and Rogue, comes from the Hebrew Original, as it is in many others: Mendius quasi Manu dicens, (speaking with the)

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Hand,) mos enim erat apud Antiquos Egenum filentio Manum extendere; filent, and oftentimes

a most fuccessful Way of Begging.

But a Rogue in our Law fignifies an idle Beggar, that wanders from Place to Place without lawful Passport; and yet Vagabond fignifies, any who wandereth about idly and loitering; and is a Rogue, tho' he beggeth not. Vide infra.

Now the Persons which are accounted Rogues in our Law, and shall be punished as such, are these, if they be above the Age of seven Years:

r. All Persons above the Age of seven Years going about begging, upon any Pretence or Co-lour whatsoever, i. e. out of their own Parish, though they be licensed by any Subject, except in the Cases hereaster mentioned.

2. Fortune-Tellers, Jugglers, Wandering Game-

flers.

3. Proctors, Patent-Gatherers, or Collectors for G20ls, Prisons, &c. wandering abroad.

4. Fencers Bearwards, common Players of Interludes (1 Jac. 7.) wandering, 21 Jac. c. 28.

5. All Pedlars, Petty Chapman, Tinkers and Glassmen, per Statute 21 Jac. 28. wandering abroad, especially if they be unknown, or have not a sufficient Testimonial. And tho' a Man have a certain Habitation, yet if he goes about from Place to Place selling small Wares, he is punishable by 39 Eliz. and that although he be not taken wandering: For it is the Wandering it self, and not the being apprehended wandering, that brings him within the Punishment of that Statute. Roll. 14. 2. Rep. 172. The King against Holling sworth.

6. Wandering Persons, and common Labourers, and being able and resuse to work for

reasonable

Ch. 9. Of Rogues and Vagrants. 147 reasonable Wages. But if they wander not abroad, they are not to be sent to their Place of Birth or last Dwelling, but to the House of Correction.

7. Poor Persons appointed to ask Relief in the Parish where they dwell, by the Overseers there-of: If they shall beg in the Highways, tho' in their ow Parish. Lamb. 427. yet they are not to be sent but to the House of Correction.

8. All Persons wandering, and pretending

themselves to be Egyptians.

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or le o. Soldiers or Mariners that shall beg (except as infra,) or shall Counterfeit any Certificate from their General, Captain, Admiral, &c. And in

many Cases they are Felons.

10. Poor, deceased or impotent Persons that travel to the Bath (tho they are not licensed), yet if they beg, or if they are not licensed by two Justices, or shall not return again according as they are limited by the said License, shall be punished as Rogues 39. Eliz. 4.

11. A Rogue that hath a Testimonial, if thro' his or her Default they do not pursue the Order appointed by the said Testimonial, they are toties

quoties to be whip'd as Rogues.

port without a Guide, for they are to be fent, i. e. conveyed, from Parish to Parish. Refol. 11.

13. Servants departing out of Service (i. e. forth of one City, Town, Parish, Hundred or County, into another) without a Testimonial, &c. or which shall be taken with any forg'd Testimonial, shall be whip'd as Vagabonds. 5 Eliz. 4.

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14. Persons infected, or dwelling in any House infected with the Plague, that contrary to the Command of any Officer shall go abroad and converse, &c. 1 fac. 11.

15. So all Persons that run away from their Families, or threaten to run away. Vide de hoc

plus infra.

16. Any that pretends Loss by Fire, and

wandering beggeth. Lamb. p. 443.

Having seen who are Rogues and Vagabonds, let us see how the Law disposeth them as to Settlement.

In the faid Statute 39 Eliz. c. 4. it is Enacted, That every Person which is by this present Act declared to be a Rogue, Vagabond, or flurdy Beggar, which shall be at any Time taken begging, vagrant, wandering, or misordering themselves in any Part of this Realm, or the Dominions of Wales, shall upon their Apprehension, by the Appointment of any Justice of Peace, Constable, Headborough, or Tythingman of the same County, Hundred, Parish or, Tything, where fuch Person shall be taken, the Tything-man or Headborough being there-' in affisted with the Advice of the Minister and one other of that Parish, shall be strip'd naked from the Middle upward, and shall be openly whip'd, till his or her Body be bloody; and ' shall be forthwith sent from Parish to Parish, by the Officers of every the same, the next Araight way to the Parish where he was born, if the same may be known by the Party's Confession, or otherwise; and if the same be not known, then to the Parish where he or she last dwelt before the same Punishment, by the Space of one whole Year, there to put him or her · felf

Ch. 9. Of Rogues and Vagrants. 149 felf to labour, as a true Subject ought to do; or onot being known where he or she was born, or last dwelt, then to the Parish thro' which he or ' she last pass'd without Punishment: After which whipping, the same Person shall have a Testimonial subscribed with the Hand and Seal of the same Justice of Peace, Constable, Headborough, or Tything-man, and of the Minister of the same Parish, or of any two of them, testifying, That the same Person hath been punished according to this Act; and mentioning the Day and Place of his or her Punishment, and the Place whereunto fuch Person is limited to go, and by what Time the faid Person is limited to pass thither at his Peril: And if the faid Person thro' his or her Default do not accomplish the Order appointed by the faid Testimonial, then to be eftfoons taken and whip'd; and fo as often as any Default shall be found in him or her, contrary to the Form of this Statute, in every Place to be whip'd, till fuch Person be repair'd to the Place limited. Substance of which Testimonial shall be register'd by the Minister of that Parish, in a Book to be provided for that Purpose, upon Pain to forfeit 5 s. for every Default thereof; and the Party whip'd, and not known where he or she was born, or last dwelt by the Space of a Year, shall by the Officer of the faid Village, where he or she so last pass'd thro' without Pu-

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2 Buist. p. 357. Rogues are not to be fent to the House of Correction (except in the Case above-mentioned) but by Passes to the Place of their Birth. And altho' it shall appear a Person was

nishment, be conveyed to the House of Corre-

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an Inhabitant a long while in another Parish, and there became impotent by any Mischance in Labour and then beg; yet he shall be sent to the Place of his Birth, as it was resolved by Sir William Jones at Worcester Lent Affizes, 14 Car. 1. in Chappel's Case.

Note, Rogues may not be fent by a general Paffport, but from Parish to Parish.

If a Man and his Wife be Roguing, and they have an House in another Parish, it's said they may be sent thither: Quere, for it must be then after they be sent to the Place of their Birth.

By Holt, Chief Justice, Trin. 8 W. 3. Rex vers. Inhabit. Luckenden. The Statute of Vagrancy is 29 Eliz. by which the Vagrant is to be sent to the Place of his Birth, if known, or else to the Parish where he was last settled. Now if a Vagrant is removed by the Justices to the Place he was born, whether they can't send him from thence to the Place he was last settled since his Birth? And I think they may do it by the Statute 1 Jac. 1. c. 7. (tho' not before,) tho' I believe the Justices don't practise it so. Adjornat.

Note, No Child under the Age of feven Years shall be adjudged a Rogue within the Starute 39 Eliz. c. 4. But such Children being vagrant, must be sent to, and placed with the Father; and if he be dead, then with the Mother where she was born, or last dwelt by the Space of one Year: And such Children once thus settled or placed, must there remain, and not be sent thence to the Place of their Birth; although after the Parents die, or run away, or that the said Children grow above seven Years of Age.

One

Ch. 9. Of Rogues and Vagrants. 151

One D. Clavely, with a Child under feven Years of Age, wandred to the Village of Arley, in Com. Whig. and there defired a Warrant to be conveyed to E. in Com. Staff. where she had some Friends, and where the Child was born; upon this, the Constable of Arley made her a Pass to convey her to E. and delivered her to the Constable of R. and he to B. where the Mother died. The Question was at Stafford Assizes, Where the Child should be fent; whether to the Parish where the Mother died, or the Parish where the Child was born? Per Sir William Jones, and Sir James Whitlock, they were ordered to be fent to the feveral Parishes where they were born, and so they were fent: For a Child under seven Years of Age shall not be a Vagabond. 2 Bulft. 351.

Eliz. B. being a Wanderer, with Three Children born in three feveral Parishes, came with them to D. in Com. Whig. to her Sister, where she died, the three Children being there left. Per Jones and Whitlock, the Children ought to be kept and provided for by the several Parishes where they were born, and not in the Parish where the Mother died in Transitu. 2 Bulst. 351. And accordingly an Order was made and sign'd by them, and the same delivered to the Clerk of the Assizes, to deliver the same to the Parties.

The Rogue whose last Place of Birth, or last Dwelling cannot be known, having Wife and Children under seven Years of Age, they must be sent with the Husband to the Place where they were last wilfully suffered to pass without Punishment; where the Children must be reliev'd by the Work of the Parents, though the Parents be committed to the House of Correction.

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152 Of Rogues and Vagrants. Ch. 9.

A Rogue is taken at \mathcal{D} . and will not confess the Place of his Birth; but he confesseth his last Dwelling was at \mathcal{S} . whereupon he is whip'd and sent to \mathcal{S} . and coming to \mathcal{S} . his Place of Birth was learnt to be at \mathcal{W} . In this Case, the Rogue is to be sent to the Place of his Birth, without any new Vagrancy: For his Settling at \mathcal{S} . was no legal Settling. Resol. 27.

The Wife being a vagrant Rogue, must be fent to her Husband, though he be but a Servant

in another Town. Refol. 3.

If the Husband or Wife have an House, (tho' as an Inmate) and either of them rogue about, they are to be sent to the Town where that

House is. Refol. 5.

No Man is to be put out of the Town where he dwelleth, nor to be fent to his Place of Birth or Habitation, but only a Vagrant Rogue, such as wander abroad in the Country, and not such as are vagrant, and beg in the same Town where they dwell. Resol. 6.

Before the Statue of 12 Anne, one who had gained a Settlement, and afterwards became a Vagrant, should have been sent to the Place of his Birth; but then he might have been sent from thence to the Place of his last legal Settlement

according to 43 Eliz. c. 2. Salk. 526.

In the eighth Branch of the Statute 7 Jac. c. 4. And for that many wilful People finding that they have Children, have some Hope to have Relief from the Parish wherein they dwell; and being able to labour, and thereby to relieve themselves and their Families, do nevertheless run away out of their Parishes and leave their Families upon the Parish. For Remedy thereof, be it further Enacted, That all such Persons

So

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so running away shall be taken and deem'd to be Incorrigible Rogues, and endure the Pains of incorrigible Rogues. And if either such Man or Woman being able to work, and shall threaten to run away and leave their Families as aforesaid, the same being proved by two sufficient Witnesses upon Oath before two Justices of Peace in that Division, that then the said Person so threatning shall by the said Justics of Peace be sent to the House of Correction, (unless he or she can put in sufficient Surety for the Discharge of the Parish) there to be dealt with and detained as a sturdy wandering Rogue, and to be deliver'd at the said Assembly or Meeting, or at the Quarter-Sessions, and not otherwise.

This Branch confisteth upon two Parts:

1. If any Man or Woman having Children, being able to labour, and thereby to relieve their Families do run away out of the Parishes, and leave their Families upon the Parishes, he or she shall be deem'd and taken to be an incorrigible

Rogue.

2. If any such Man or Woman being able to work, shall threaten to run away and leave their Families as aforesaid, the same being prov'd by two sufficient Witnesses before two Justices of Peace in that Division, he or she shall be sent to the House of Correction as a sturdy wandering Rogue, &c. unless sufficient Surety be found for the Discharge of the Parish.

At the Meeting or Assembly: That is, the Meeting of the Justices twice in every Year at least, for the better Execution of this Statute; which is the fifth Branch of it. Et plus vid. in

cap. Houses of Correction.

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Nate, Such Offenders as run away, shall be taken to be incorrigible Rogues, and they are to be dealt withal by two Justices of Peace.

They shall be punish'd as incorrigible Regues, (viz.) They shall be sent by two Justices of the Peace to the House of Correction, or to the Gaol, there to remain till the next Quarter-Sessions, and then he or she shall be there branded in the Left Shoulder with an hot Iron, &c.

Note, All such that threaten to run away, and shall be sent to the Houses of Correction as aforesaid, upon their Delivery out of the House of Correction, they are to be sent to their Place of Dwelling if they have any; if not, then to the Place where they last dwelt by the Space of a Year.

Who shall be deemed and taken to be incor-

rible Rogues.

They are such as shall either appear to be dangerous to the inferior Sort of People; as shall offer any Violence, or use any threatening Speeches towards People, &c.

Or fuch as will not be reformed of their ro-

guish Kind of Life.

If a Rogue affirmeth he was born in such a Town in such a County, and is sent thither; if he were not born there in Truth, he shall be said to be an incorrigible Rogue. Dalt. p. 210.

So if it appear not where he was born; if he untruly affirm that he was last dwelling in such a Town and County by the Space of a Year, and was not. Dalt. p. 210.

Ch. 9. Of Rogues and Vagrants. 155

All Persons able to labour, that shall run away and leave their Families upon the Parish, shall be punished as incorrigible Rogues. But they that threaten to run away, shall be proceeded against as wandering Rogues only; for the Act seems to make a Difference.

The Punishment of an incorrigible Rogue, 39 Eliz. c. 4. I Jac. c. 7.

I shall abridge this Branch.

of the Quorum) shall commit the incorrigible Rogue to the House of Correction, and if at the next Quarter-Sessions by the major Part of the Justices he shall not be thought sit to be deliver'd, he shall by them be banish'd, and at the Charge of the County shall be convey'd to such Parts beyond the Seas, as shall by six or more of the Privy Council be assigned, (whereof the Lord-Keeper or Lord-Treasurer to be one,) or sent to the Gallies; and if a Rogue so banish'd return without Licence, he shall suffer as a Felon, to be try'd in the County where he shall be apprehended.

But by the Statute 1 Fac. c. 7. instead of banishing an incorrigible Rogue, or committing him to the Gallies, he shall in open Sessions be branded on the left Shoulder with a burning Iron, having a great roman (R) upon it as broad as a Shilling, and from thence shall be fent to his Place of last Abode; and if that cannot be known, to the Place of his Birth: After which Time, if he offend again, he shall suffer as a Felon, without Benefit of Clergy.

39 Eliz.

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39 Eliz. c. 4. 'All fuch Persons as shall in any wife difturb or hinder this Law, or any Part thereof, concerning the Punishment, or conveying of Rogues; or the Relief or Settling of poor impotent People in any manner of wife, or making Rescues against any Officer or · Person authorized by this present Act; for the due Execution of any the Premisses, the same Person so offending, shall forfeit and lose for every fuch Offence the Sum of 5 1. and shall be bound to the good Behaviour. And per Dalton, p. 210. two Justices of the Peace may bind such Offenders to the good Behaviour; and may also, by Warrant under their Hands and Seals, caufe to be levyed by Diffress and Sale of the Offenders Goods the faid Sum of 5 1. upon the Confession of the Offenders, or upon the Testimony of two Witnesses before the said Justices, of such Offence.

These Persons following are Offenders in this Law, and are Disturbers of the Execution of this Law.

r. They that fend Rogues by a general Paffport, without conveying them from Parish to Parish.

2. If the Officer, (viz.) Constable, or Overfeer, will not receive a Rogue, to convey him to the Place where he was born or dwelt: This is a Forfeiture of 5 1.

3. So if the Constable shall not deliver him to the next Constable, (the next straight way.)

And upon the Words, Of the Relief or Settling of poor impotent People in any manner of wife, which Mr. Dalton hath omitted. If any Officer shall

Ch. 9. Of Rogues and Vagrants. 157 Shall refuse an impotent Person that is poor, and no Rogue, he forfeits 5 l. by this Act.

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geliz. c. 4. 3d Branch. If in any Town, Parish, or Village, the Constable, Headborough, or Tything-man, be negligent, and do not his or their best Endeavours for the Apprehension of such a Vagababond, Rogue, or sturdy Beggar, which there shall be found contrary to the Form of this present Act, and to cause every one of them to be punish'd and convey'd according to the true Meaning of this present Act, such Constables, &c. in whom such Default shall be, shall lose and forfeit for every such Default 10 s. By the Statute 1 Jac. c. 7. it's 20 s. &c. Vide supra.

By Statute 1 Fac, c. 7. 'Every Person or Per-' fons shall apprehend, or cause to be appre-' hended, fuch Rogues Vagabonds, and sturdy Beggars, as he or they shall see or know to re-' fort to their Houses to beg, gather or receive ' any Alms, and him or them shall carry, or ' cause to be carryed, to the next Constable or 'Tything-Man, upon Pain to forfeit for every ' Default 10 s. to be levied and employed in ' Manner and Form, and upon fuch like Proof and Conviction, as Penalties and Forfeitures are to be levy'd and employed by the Statute 39 Eliz. And in Default of fuch Levy, then to ' be be levy'd and employ'd by the Lord of the Leet, or his Officer, where such Offence shall be committed, and in fuch Manner, as the Per-' fon authoriz'd by the faid Statute might or should have levy'd or employ'd the same.

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Now the Employments and Levying of the Forfeitures in the 39 Eliz. are:

Be it enacted, 'That all Fines and Forfeitures 'appointed, or to grow due by this present Act, ' (except fuch as are otherwife limited or ap-' pointed by this present Act) shall wholly go ' and be employed in the Use of the Reparations ' and Maintenance of the Houses of Correction, ' and Stock and Store thereof, or Relief of the ' Poor where the Offence shall be committ'd, at the Discretion of the Justices of the Peace of the fame Limit, City, Borough, or Town-Corporate; and that all Fines and Forfeitures ap-' pointed, or to grow by Conviction of any Per-' fon according to this present Act, shall by Warrant under the Hands and Seals of any two or ' more of the Justices of the Peace of the fame ' County, City, Borough, or Town Corporate, be levy'd by Diffress and Sale of the Goods and " Chattels of the Offender, which Sale shall be ' good in the Law against such Offender. ' that if any of the faid Offences shall be confess'd by the Offender, or that the fame shall be pro-' ved by two fufficient and lawful Witnesses, be-' fore such two or more Justices of Peace, that ' then every fuch Person shall forthwith stand ' and be in Law convicted thereof.

Other Offenders within these Acts are,

I. The Minister which shall not keep a Register-Book, and therein enter the Substance of every Testimonial made for the conveying of Rogues (punished in this Parish), shall forfeit for every Default 5 s.

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2. The Constable which shall not do his best Endeavours for the apprehending, punishing, and conveying of all Rogues which shall be found in his Parish, shall forfeit for every Default 10 s.

3. The Constable which shall not cause to be punished, and to be convey'd according to the Statute of 39 Eliz. all such Rogues as shall be brought or sent to him by any of his Neighbours,

shall forfeit for every such Default 20s.

4. Every Person relieving vagrant Rogues, and not carrying them to the next Constable, shall forseit 10s. At Cambridge Assizes, Anno Dom. 16301 it was agreed by Sir Nicholas Hide, That if any Alehouse-keeper, or other Person, shall but lodge a Rogue, this is a Relieving them, and contrary to the Statute 1 Jac. and is a Forseiture of 10s. 2. That giving of Money by a Constable to a Rogue, is Relieving of him contrary to this Statute, and is a Forseiture of 10s. Persons that suffer Rogues to lodge in Barns, ought to be bound over to the Assizes or Sessions. Resolv. 21. It's a Relieving within the Statute.

5. By 39 Eliz. c. 4. every Person that shall willingly bring or convey in any Vessel out of Ireland, or the Isle of Man, into this Realm any Rogue, or any such as shall be like to live by Begging, &c. shall forfeit for every such Person

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6. The Justices at their Meetings may affess reasonable Fines, being not above 40 s. upon such Constables as shall not appear and give Account according to Statute 7 fac. c. 4. Branch, quod vide prius, as also for conveying of Rogues, and other idle and disorderly Persons, sent to the Houses of Correction by their Warrants, which conveying to the Houses of Correction shall be

160 Of Rogues and Vagrants. Ch. 9: at the Charge of the Hundred, per Statute 7 Jac. c. 4.

7. By 7 Jac. c. 4. 'If the Masters of the Houses' of Correction shall not every Quarter-Sessions' yield a true and lawful Account unto the Justices of Peace, of all such Persons as have been committed to their Custody; or if the said Persons, or any of them, shall be troublesome to the County, by going abroad, or otherwise shall escape away from the House of Correction' before they shall be from thence lawfully deliver'd, they shall be fin'd at the Discretion of the Justices in their Quarter-Sessions, and the Fines shall be paid in to the Treasurer, and ac-

counted for by Bills.

By 14 Car. 2. c. 12. 'For the Encouragement of fuch Person or Persons as shall apprehend Rogues, Vagabonds, and flurdy Beggars, ac-' cording to the Statutes made 39 Eliz. and 1 Fac. ' It is Enacted, That it shall and may be lawful ' to and for any Justices of the Peace, to whom ' any Rogues, Vagabonds, or flurdy Beggars, fo ' apprehended shall be brought, to reward any Person or Persons that shall apprehend any ' Rogue, Vagabond, or sturdy Beggar, by grant-'ing unto fuch Person or Persons, an Order or Warrant under his Hand and Seal, to the Con-' stable, Headborough, or Tything-man of such ' Parish where such Rogue, Vagabond or sturdy Beggar pass'd thro' unapprehended, requiring ' him to pay fuch Person and Persons the Sum of 2 s. for every Rogue, Vagabond, or flurdy Beggar which shall be so apprehended: And if ' fuch Constable, &c. refuse or neglect to pay the 2 s. as aforefaid, that then the faid Justice of · Peace, or any other Justice or Justices of Peace,

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fhall proceed against any such Constable according to the said Statutes of 39 Eliz. and I fac. and to compel him to pay such Sums of Money as he hath forfeited by the Statute of I fac. and to allow out of the said Forfeiture the said 2 s. and such reasonable Means and Allowance for Loss of Time as they shall think fit, which Forseiture by the Statute I fac. is

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' And if any Person or Persons shall apprehend any Rogue, Vagabond, or flurdy Beggar, at the Confines of any County, which pass'd thro' any Parish of another County unapprehended, it shall be lawful for such Person or Persons to go to some Justice of Peace of that County thro which fuch Rogue or Vagabond pass'd, unapprehended; who is hereby requir'd (upon a Certificate under the Hand of some Justice of Peace of the County where fuch Rogue or Vagabond was fo apprehended) to grant his Order or Warrant under his Hand and Seal, requiring the faid Constable, Headborough or Tythingman, to pay unto fuch Person or Persons as aforesaid the Sum of 2 s. which if he shall refuse or neglect to do, then such Justice is hereby requir'd to proceed against such Constable, Headborough or Tything-man, and to cause him to pay 10 s. or so much thereof for his Expences and Lofs of Time as the faid Justice of Peace shall think fit, to such Person or Persons, which he hath forfeited by the Statute made in the 39th of Eliz.

By the same Statute of 14 Car. 2. 'Whereas' Constables, Headboroughs or Tything-men, are or may be at great Charge in relieving, con-

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veying with Passes, and in carrying of Rogues and Vagabonds to Houses of Correction or ' Work-houses, and as yet have no Power by Law to make Rates to reimburse themselves: It ' is enacted, That all Constables, Headboroughs, and Tything-men, fo out of Purse as aforesaid, together with the Churchwardens and Over-' feers of the Poor, and other Inhabitants of the ' faid Parish, shall hereby have Power and Authority to make an indifferent Rate, and to tax all the Occupiers of Lands and Inhabitants, and all other Persons chargeable by the Statute of the 43d of Eliz. concerning the Office and Duty ' for the Overseers of the Poor within the said ' Parish; which Rate being confirm'd under the ' Hands and Seals of any two Justices of Peace as aforefaid, the Constable, Headborough or Tything-man, shall have Power, by Warrant under the Hands and Seals of two Justices of the Peace, to levy by Diffress and Sale of the Goods of any Person and Persons refusing to pay the fame, rendring the Overplus to the Owner, if any shall be.

In the Act of 14 Car. 2. there is a Proviso, That it shall and may be lawful for the Justices of Peace in any of the Counties of England and Wales, in their Quarter-Sessions assembled, or the major Part of them, to transport, or cause to be transported, such Rogues, Vagabonds and sturdy Beggars, as shall be duly convicted and adjudg'd to be incorrigible, to any of the English Plantations beyond Seas. Q. At whose Charge? Out of the County Stock, as I conceive.

Certainly this is the best way of Punishment, next to pressing them for Sea or Land Service.

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Note, It is enacted by the Statute 39 Eliz. c.4. That any two or more Justices of the Peace within their several Shires, Cities, Boroughs, or Towns-Corporate (whereof one to be of the Quorum) shall have full Power to hear and determine all Causes that shall grow or come in Question, by reason of this Statute 39 Eliz. made for the Punishment of Rogues, Vagabonds, and sturdy Beggars.

And now, because the Penalty of wandering Beggars is so severe, I shall shew who may beg, and not be in Danger of the Statute of Rogues,

and who not.

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The Justice of Peace dwelling in or near the Place where any Seafaring-Man fuffering Shipwreck shall land, may make a Testimonial under his Hand to fuch Perfon, (not having wherewith to relieve himself in his Travel Homewards) fetting down in fuch Testimonial the Place and Time of his Landing, and the Place of his Birth and Dwelling unto which he is to pass, limiting therein a convenient Time for his Pass, in which Time, and in his direct Passage, he may beg neceffary Relief, 39 Eliz. c. 4. So of a Soldier or Mariner, 39 Eliz. But by the Statute 43 Eliz. c. 3. as to fick or maimed Soldiers, they now are usually, and may be reliev'd with Money by the Treasurers of every County where they come, with fuch convenient Sums as may carry them to the next County, vid. le Stat. So that only in the faid two Cases of Shipwreck, and Soldiers or Mariners, may they beg Relief.

Any one Justice of Peace may license Labourers in Hay-time and Harvest to pass from one County to another to work, but not to wander

or beg. Per Stat. 5 Eliz. 4.

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Any two Justices of Peace may make a Testimonial to Serving-men (or other Servants) departing from their Masters; but they must not wander up and down idly, nor beg. 39 Eliz. 4. Dalt. 210.

None may be suffer'd to take Relief at any Man's Door, tho' within the said Parish, unless it be by Order of the Overseers. Neither may any be suffer'd to beg by the Highway, tho' in their own Parish. Resolv. 15. 39 Eliz. If a Man give Alms at his Door, unless to such Poor who are licens'd to beg by the Overseers, he forseits 105.

How by Statute 11 and 12 W. 3. cap. 18. Vagabond Beggars brought by a Pass to a Constable, are to be had before the next Justice of Peace, of whom the Constable is to receive a Certificate for his further Conveyance, &c.

How the Justice is to tax an Allowance to the Constable on the Certificate to be paid by the chief Constable, and he to deliver his Receipt to the Treasurer of the County; and how the Justices at the Quarter-Sessions may advance Money to the chief Constable for that purpose. Ibid.

The Constables neglecting their Duty in apprehending such vagabond Beggar, to forfeit 205. and how to be levy'd by a Justice's Warrant. Ibid. Also how Ridings, Divisions of Counties, Liber-

ties and Towns Corporate, shall be taken. Ibid.

How far the aforesaid Statute shall extend by Vertue of a subsequent Statute made 2 Annæ c. 23. And how the Justices, at their Quarter-Sessions, shall set down the Rates for conveying Vagrants thro' their Liberties. Ibid.

How the High Constable is to pay the Rate tax'd upon producing the Receipt of the Con-

stable

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grant was to be deliver'd. Ibid.

How these two later Acts are continu'd by Annæ c. 32. And how the General Quarter-Sessions are to assess on every Parish and Place, such Sums as are reasonable for satisfying Allowances to Constables and others, for their Loss of Time and Expences in passing Vagrants. Ibid.

How the Treasurers shall obey the Justices Order of Sessions, for the Discharge of such Sums

for conveying Vagrants as aforesaid. Ibid.

A Proviso to levy them according to the custo-

mary Rate of Gaol or Bridge-Money. Ibid.

Of the Appeal of such Persons, who find themselves aggriev'd, to the next General Quarter-

Seffions. Ibid.

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How the Justices, chief Magistrates and Officers in Liberties and Towns-Corporate, shall act, in certifying and conveying of Passengers, Vagabonds, Beggars and idle Persons, &c. Ibid.

By the 2 Annæ, cap. 6. lewd and disorderly Servants, Rogues, Vagabonds and sturdy Beggars, (not being Felons) by 39 Eliz. c. 17. to be taken up and sent to Sea-Service of Her Majesty, in manner as is directed for Vagrants, 11 W. 3.

сар. 18.

The Statutes of 39 Eliz. c. 4. and 1 Fac. 1. c. 7. and also Part of Sect. 5. of 7 Fac. 1. c. 4. having been repeal'd by the late Statute of 12 Ann. And the former Laws touching Rogues, Vagabonds, &c. thereby altered in divers Particulars, it will be necessary to add that Statute, together with some explanatory Notes or Observations thereupon.

This Statute is intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy

Beggar

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Beggars and Vagrants, into one Act of Parliament; And for the more effectual Punishing such Rogues, Vagabonds, Sturdy Beggars and Vagrants, and sending them whither they ought to be sent.

Whereas many Parts of this Kingdom are extreamly oppressed by the usual Method of conveying Vagabonds or Beggars from County to County, by having such Persons conveyed as Va-

grants, who ought not fo to be.

1. Be it Enacted, &c. That all Persons pretending themselves to be Patent-gatherers, or Collectors for Prisons, Gaols, or Hospitals, and wandring abroad for that Purpole; All Fencers, Bearwards, Common Players of Interludes, Minstrels, Jugglers; All Persons pretending to be Gipfies, or wandring in the Habit or Form of Counterfeit Egyptians, or pretending to have Skill in Phisiognomy, Palmestry, or like crafty Science, or pretending to tell Fortunes, or like phantaffical Imaginations, or using any subtile Craft, or unlawful Games or Plays; All Persons able in Body, who run away, and leave their Wives or Children to the Parish, and not having wherewith otherwife to maintain themselves, use Loytering, and refuse to work for the usual and common Wages; And all other idle Persons wandring abroad and Begging, (except Soldiers, Mariners, or Seafaring Men, Licensed by some Testimonial or Writing under the Hand and Seal of some Justice of Peace, fetting down the Time and Place of his or their Landing, and the Place to which they are to pass, and limiting the Time for fuch their Passage, while they continue in the direct Way to the Place to which they are to pass, and during the Time so limited) shall be deemed Rogues and Vagabonds. 2. And

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2. And be it enacted by the Authority afore-That if from and after the first Day of August, 1714. any Person by this Act declared to be a Rogue or Vagabond, shall be found in any Parish or Place to be wandring and begging, or misordering him or her self, as aforesaid, It shall and may be lawful for the Constable, or other Officer of such Parish or Place, or any other there dwelling or being, to apprehend the Person so deemed a Rogue or Vagabond, and to convey, or cause to be conveyed, him or her to fome Justice of Peace for the same County, Division, Riding, City, Borough, or Town-Corporate, in or near the faid Parish or Place where he or she shall be so apprehended; And in Case any Constable or other Officer of any Parish or Place, shall refuse or neglect to use his best Endeavour to apprehend any fuch Rogue or Vagabond, it shall be deemed a neglect of Duty in fuch Constable or other Officer; And in Case any other Inhabitant of any fuch Parish or Place, being charged by any Justice of the Peace, or other lawful Authority so to do, shall refuse or neglect to use his best Endeavour to apprehend and deliver to the Constable of the same Parish or Place, or carry before fome Justice of the Peace, where no Constable or other Officer shall be found, any fuch Rogue or Vagabond, who shall be seen or known to resort to any House to beg, or gather Alms, and shall be thereof found guilty by the Oath of one or more credible Witnesses, before one or more Justice or Justices of the Peace of the same County or Place, which Oath the faid Justice or Justices are hereby authorized to administer, he shall forfeit the Sum of 10 s. to be levied to the use of the Poor of the faid

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faid Parish or Place, by Distress and Sale of the Offender's Goods, by Warrant from any fuch Justice or Justices of the Peace; And in Case any Person shall apprehend any such Rogue or Vagabond, and cause him or her to be brought before any Justice of Peace, it shall and may be lawful for fuch Justice to reward any fuch Perfon, by ordering under his Hand and Seal, any Constable or other Officer, where any such Rogue or Vagabond was found begging, and passed unapprehended, to pay 2 s. to the Person so apprehending him or her; which Monies if the faid Constable or other Officer refuse or delay to pay on Demand, it shall and may be lawful for fuch Justice of the Peace, by Warrant under his Hand and Seal, to levy the Sum of 205. by Distress and Sale of the Goods of such Constable or other Officer, and thereout to allow to the Perfon apprehending fuch Rogue or Vagabond the faid 25. and such other Recompense for his Trouble, Loss of Time, and Expenses, as the faid Tuffice shall think fitting.

3. And be it further enacted by the Authority aforesaid, That the Justices of the Perce of every County, Division, Riding, City, Liberty, or Town-Corporate, or any two or more of them, some convenient Time before their Quarter-Sessions of the Peace, or oftner, if need be, shall meet in their respective Divisions, and by their Warrant command the Constables of every Hundred, Parish, Town and Hamlet, in their several Divisions, (who shall be assisted with sufficient Men of the same Places) to make a general Privy Search in one Night, through their several and respective Limits, for the sinding and apprehending of Rogues, Vagabonds, and Stur-

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Ch.9. Of Rogues and Vagrants. 169 dy Beggars, and such as they shall find and apprehend upon such Search they shall cause to be brought before any Justice or Justices of the Peace

of the same County, Division, Riding, City, Li-

berty, or Town-Corporate.

4. And be it enacted by the Authority aforefaid, that where any Person or Persons, apprehended by any Constable, or other Officer, or Med Inhabitant of any Parish or Place, or upon such Privy Search, as aforefaid, shall be brought before any Justice or Justices of the Peace, it shall and may be lawful for fuch Justice or Justices, and he or they are hereby required to examine and inform him or themselves, as well by the Oath and Examination of the Person or Persons apprehended, as of any other Persons (which Oath or Oaths the faid Justice or Justices are hereby authorized to administer) or by any other Ways or Means (he or they shall think most proper) of the Condition and Circumstances of the Person or Persons so apprehended, and of his, her, or their Place of Abode, or Birth; the Substance of which Examination or Examinations, marion the faid Justice or Justices shall cause to be put down in Writing, and to be subscribed or fign-harmen ed by the Person or Persons so examined, and after the ter transmitted to the next Quarter-Sessions of the Peace, to be holden for the fame County or Place, there to be filed and kept on Record: And in Cale it shall appear that such Person hath obtained any legal Settlement, such Person shall be fent to the Place of his or her last legal Sertlement, by fuch Order, and in fuch Manner, as by the Laws of this Realm, other Perfons likely to be chargeable to the Parish are to be fent; but if it cannot be found that such Person hath gained

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gained any Legal Settlement fince the Time of his or her Birth; then fuch Justice or Justices of the Peace, fliall, and are hereby required, by a Pass under his or their Hand and Seal (directed to the Constable or Tything-man of the Parish or Place where fuch Rogue or Vagabond was apprehended, and taking Notice where, and for what Caufe, fuch Person was apprehended, and whither, and in what Time, he or she is to pass) to cause such Rogue or Vagabond, of whatsoever Age he or she be, to be conveyed to the place of his or her Birth; or if he or she be under the Age of fourteen Years, and have any Father or Mother living, to the place of the Abode of fuch Father or Mother, in case such place of Birth or Abode Hammacan be known; but if the same cannot be known, then to the Parish or Town where he or she were last found begging, or misordering him or her felf, and paffed unapprehended, and there to be delivered to the Constable, or other Officer of fuch Parish or Place: The which Pass shall be in the Form, or to the Effect following.

5. To the Constable of in the County of (or, To the Tythingman, &c. as the Case spall de.)

Whereas being, as he informs, about the Age of Years, was apprekended in the Parish of aforesaid (or, in
the Town of) there wandring and
begging, (or there pretending himself to be Coltector for the Prisons, &c. and wandring for
that Purpose, or, there practising as a Fencer,
8 c. as the Case shall require) and brought before me, one of Her Majesty's Justices of the
Peace for this County, and upon Examination

of

Ch. 9. Of Rogues and Vagrants. 171 and of of the said taken before me upon Oath, it doth appear, that the faid was born at in this County (or, or, That the said in the County of is under the Age of fourteen Years, and bath a Father living and abiding in the Paris or, That the said or Town of was found begging in the Parish of where he last past through unapprehended, and the Place of his or her Birth cannot be discovered; and it doth not appear to me, That the faid hath obtained any legal Settlement fince his or her Birth) These are therefore to require you to convey the faid in the next direct way to the Said Parish or Town of and there deliver him to the Constable or other Officer of the same Parish or Town, to be there provided for according to Law. (Or in case the faid Place be out of the fame County, Riding, Corporation, or Franchife, which hath feparate Quarter-Seffions of the Peace, then it shall be,) to convey the faid to the Parish or that being the first Town in the Town of next Precinct through which be ought to pass to the said Parish or Town of to be thence conveyed on according to the Directions of this Act, to the said Parish or Town of And I do bereby allow the Space of Days for his or her Passing to the said Parish or Town of Given under my Hand and Seal, this Day, &c.

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6. Provided always, and be it further Enacted, by the Authority aforefaid, That if any Perfon who hath obtained a legal Settlement, be found wandring and begging, and misordering him or her felf, as aforefaid, he or she, as well as any other

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Person apprehended as a Rogue or a Vagabond may, by fuch Justice or Justices of the Peace, before his or her being fent by fuch Order or Pass, as aforesaid, if the said Justice or Justices think proper, be ordered to be stripp'd naked from the Middle, and openly whipp'd, until his or her Body be bloody, or may be fent to the House of Correction, there to be kept at hard Labour, ac-.cording to the Nature and Merit of his or her Offence, at the Discretion of such Justice or Justices, and shall afterwards be immediately sent away by fuch Order or Pass, as aforesaid; which Punishment of Whipping, or conveying to the House of Correction, the Constable or other Officer authorized by the faid Justice or Justices so to do, shall fee and take care to have duly executed.

7. Provided always, and be it Enacted by the Authority aforesaid, That all such Person or Perfons found and apprehended upon a general Privy Search, in manner as by this Act is directed, who, upon Examination, shall appear to have committed such Acts of Vagrancy as are described in this Act, and to have no fix'd Abode or Employment whatfoever, in the Place or Places where they shall be so apprehended, altho' they may have acquired a Legal Settlement subfequent to their Birth, and be fent by an Order of two Justices of the Peace, to the Place of such his, her, or their last legal Settlement; yet the Charges of conveying fuch Persons shall be born and defrayed in the same Method and Manner, as the Charge of conveying other Rogues and Vagabonds, sent to the Place of his, her, or their Birth, is to be born and defrayed by Vertue of this Act. And in case such Justice or Justices of the Peace,

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upon his or their Examination, shall fee Caufe to judge any Rogue or Vagabond, apprehended or brought before him or them, as aforefaid, to be dangerous to the People where taken, and unlikely to be reformed, he or they may cause such a Rogue to be committed to the House of Correction, or to the common Gaol of the faid County, Riding or Place, there to remain and be kept at hard Labour, until the next Quarter-Seffions to be holden for the faid County, Riding or Place; and if the Justices of the Peace at such Quarter-Sessions, or the major part of them, shall adjudge such a Person to be a dangerous and incorrigible Rogue, they shall cause him to be publickly whip'd three Market-Days fuccessively at fome Market-Town near, and afterwards kept at hard Labour in the faid House of Correction or Common Gaol, during such time as they in their Discretion shall think meet. And in case any Rogue fo committed by the Quarter-Sessions to the House of Correction, or Common Gaol, there to be kept at hard Labour, shall before the Time expired, for which he or she shall be so committed, voluntarily break out, and make his Escape from the faid House of Correction or Common Gaol, he or she shall for such Offence be guilty of Felony, and fuffer as a Felon; the faid Felony to be heard and determined in the County where fuch Offender shall be apprehended.

8. And be it Enacted by the Authority aforefaid, That where any Person shall be brought strong before any Justice or Justices of the Peace, as a Rogue or Vagabond, such Justice or Justices of the Peace shall not make a Pass for the conveying such Person to the Place of his or her Birth, before Examination taken of the Case, nor

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afterwards, if upon such Examination it shall appear, that such Person hath any legal Settlement subsequent to his or her Birth, on pain of forfeiting the Sum of sive Pounds for every such Offence, to be recovered by Action of Debt, Bill, Plaint or Information, by any Person who will

fue for the same, in any of His Majesty's Courts of Record at Westminster, besides Costs of Suit, wherein no Essoin, Protection, or Wager of Law shall be allowed, or any more than one Impar-

lance.

9. And be it further Enacted by the Authority aforesaid, That if any Person apprehended as a Rogue or Vagabond, as aforesaid, shall refuse to be examined upon his or her Oath, before fuch Justice or Justices of the Peace, touching the true Place of his or her Birth or last Settlement, or being fo examined, shall knowingly give any false or unsatisfactory Account thereof, such Perfon being detected of fuch Falfity before any Justice or Justices of the Peace, in a summary Way, shall be deemed as a dangerous and incorrigible Rogue, and may be punished in such Manner as fuch dangerous and incorrigible Rogues by this Act are directed to be punished; of which Punishment, to which any Rogue or Vagabond is liable for any false Account, the Justice or Justices of the Peace, who shall take such Examination, shall cause the Person so examined to be informed of, during fuch his or her Examination.

conveying of Vagrants, be it Enacted by the Authority aforesaid, That the Justice or Justices of Peace, who shall make any Pass or Order for the passing or conveying of any Rogue or Vagabond to the Place of his or her Birth, or the Abode of

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his or her Father or Mother, or the Place where fuch Rogue or Vagabond last begg'd, or misorder'd him or herself, and pass'd unapprehended, shall, at the same Time, with the said Pass or Order, cause likewise to be deliver'd to the Constable or other Officer appointed to convey him, her or them, a Note or Certificate, ascertaining how he, she, or they, is or are to be conveyed by Horse, Cart, or on Foot, and whither, and in what Time, and what Allowance such Constable or Officer is to have for conveying such Person or Persons to the Place to which such Constable or Officer is to pass him, her, or them, in the Form, or to the Effect following, (viz.)

Hereas by a Pass (reciting the Substance or Effect of the said Pass) I do hereby order and direct, that the said Person or Persons is or are to be conveyed on Foot (or, in a Cart, or, by Horse, &c.) to the said Parish or Town of In Days time, for which the said Constable, &c. is to be allowed the Sum of and no more. Given under my Hand, this Day, &c.

12. And it is Enacted by the Authority afore-faid, That the Constable or other Officer, who shall receive such Pass and Certificate, shall, and is hereby required to convey, or cause to be conveyed, the Person or Persons named in such Pass, in such Manner, and in such Time, as by the same Pass shall be directed, the next direct Way to the Place, whither he, she, or they are ordered to be sent, if such Place be in the same County, Division, Riding, Corporation, or Franchise, keeping separate Quarter-Sessions, wherein the said Person or Persons were apprehended; or if it be not in

176 Of Rogues and Vagrants. Ch.9. the fame County, Riding, Corporation or Franchife, then to the first Town of the County, Division, Riding, Corporation, or Franchise, named in fuch Pass or Certificate, thro' which fuch Person or Persons are to be conveyed in the direct Way to the Place whither he, she, or they is or are fo fent, and there deliver him, her, or them to the Constable or other Officer of the faid Place, or first Town respectively, together with the faid Pass, taking a Receipt or Note of such Delivery upon the faid Certificate, under the Hand or Mark of fuch Conflable or other Officer, to whom, he, she or they shall be so delivered, and the Constable or other Officer, to whom fuch Person or Persons shall be so delivered, shall and are hereby required forthwith to receive the faid Person or Persons, and to fign such Receipt or Note, and with all convenient speed to apply to some Justice of Peace of his proper County or Precinct, who shall cause such Rogue or Vagabond, or Vagabonds to be stript naked from the Middle, and to be openly whip'd, or otherwise to be sent to the House of Correction of the same County or Precinct, and there kept at hard Labour for two or three Days, and afterwards to be thence conveyed, with the faid former Pass, and with a new Order and Certificate in like Form as before, mutatis mutandis, to be by the faid Justice made, for the passing and conveying the same Person or Persons through his County or Precinct; and fo it shall be done from one County or Precinct to another, until the Person or Persons so intended to be passed, shall be brought to the Place, whither he, fhe or they was or were at first ordered to be fent, and

there delivered to the Constable or other Officer

of

Ch. 9. Of Rogues and Vagrants. 177 of the same Place, who is hereby required to receive him, her, or them, together with the said Pass, and sign a Receipt or Note of such Delivery as aforesaid.

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13. Provided always, that no Constable or other Officer shall be obliged to receive any Perfon or Persons by any Pass or Order, as aforesaid, unless it appear by the said Pass, that the Persons so ordered to be conveyed have been whipped or sent to the House of Correction, as aforesaid, in the County, City or Town-Corporate, through which they last passed (except Women great with Child, Soldiers wanting Subsistence, having lawful Certificates from their Officers or Secretary at War, or such Persons as the Justice or Justices shall judge not able to undergo such Punishment) which shall be certified in the said Order or Pass.

14. And be it further Enacted by the Authority aforesaid, That the Justices of Peace of any County, Division, Riding, City, Town-Cor-cattle porate, or Franchise, shall and may, at their General Quarter-Sessions of the Peace, from time to time appoint and direct, what Rates or Allowances per Mile, or otherwise, shall be made for the Passing, conveying, or maintaining of Vagrants, so to be passed or conveyed, as aforesaid; and may likewise make such other Orders, Rules, and Directions, for the more regular proceeding or acting therein, within their respective Limits and Jurisdictions, as they in their Discretions shall think proper; which Rates, Allowances, Orders, Rules and Directions shall from time to time be observed and submitted to by all other Justices of Peace, Constables, Officers, and other Perions

178 Of Rogues and Vagrants. Ch. 9. Persons within the same Limits and Jurisdictions

respectively.

5. And be it further Enacted, That the faid Justices of the Peace, at fuch their Quarter-Seffions, may, from time to time, when need shall be, by fuch Ways and Means as Monies for County-Gaols or Bridges may be raifed, caufe fuch Sums of Money to be raifed within their rerespective Precincts and Jurisdictions, for the pasfing and conveying, or maintaining of Rogues and Vagabonds, as aforefaid, as shall be necessary for those Purposes; which Monies so to be rais'd, shall be quarterly paid to the Chief Constables of each Division, in such manner as that such Chief Constables may have a Quarterly Payment in their Hands before-hand, for the Purposes hereafter mentioned; and the faid Chief Constables shall twice a Year, or oftner, as the faid Justices shall direct, account for the same with the Treafurer or Treasurers of their respective County, Riding, City, Town-Corporate or Place.

any Petty-Constable or other Officer of any Parish or Place shall bring to any such Chief Constable any such Certificate, as aforesaid, as shall be given him by any Justice or Justices of the Peace of the proper County or Place, ascertaining how, and for what Rates and Allowances he shall be required to convey any Rogues or Vagabonds, as aforesaid, together with a Receipt or Note from the Constable or other Officer, to whom the Perfon or Persons so to be conveyed were delivered, and not otherwise, the said Chief Constable shall and may pay unto such Petty-Constable or other Officer the Rates and Allowances ascertained in and by such Certificate, and no more,

taking

Ch.9. Of Rogues and Vagrants. 179 taking from such Petty-Constable or other Officer such Certificate, and his Receipt for the same; which Certificate and Receipts the Chief Constable shall he allowed to discount, on his Account to be made with the Treasurer or Treasurer.

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17. Provided always, and be it further Enacted. That in case any such Petty-Constable or other Officer shall counterfeit any such Certificate, Receipt or Note, or alter any Sums mentioned in fuch Certificate, or shall not rearlly convey, or cause to be conveyed, the Person or Perfons thereby intended to be convey'd to the Place where, by this Act, he, she or they ought by fuch Contable or other Chief Officer to be conveyed, that in any of the faid Cafes the faid Constable or other Officer shall forfeit the Sum of 20% over and above the Sum fo fraudulently taken, one Moiety to the Poor of the Parish where fuch Offence is committed, the other Moiety to the Informer, to be levied by Diffress and Sale of the Offender's Goods, by Warrant from any Justice or Justices of the Peace of the County or Place where fuch Offence shall be committed.

18. And be it further Enacted by the Authority aforefaid, That it shall and may be lawful for any Justice or Justices of the Peace to examine any Constable or other Officer upon his Oath (which Oath the faid Justice or Justices are hereby authorized to administer) whether he did convey the Person or Persons whom he was ordered to convey by any Pass or Certificate, as aforefaid, and to whom he delivered such Person or Persons; and in case such Constable or other Officer shall resule to be sworn, or in case upon

his

his Examination it shall appear that he hath neglected his Duty, he shall lose such Allowance as by the said Certificate he would have been other-

wife entitled unto.

19. And be it Enacted by the Authority aforefaid. That the Parish or Place to which any Rogue or Vagabond shall be conveyed by Pass, as aforesaid, shall take care to employ in Work, or to place in some Workhouse or Alms-house, the Person or Person so conveyed to them, until he, she, or they shall betake themselves to some Service, or other Imployment; and in case any such Person or Persons shall refuse to work, the Overfeers of the Poor of the same Parish or Place, or one of them, may cause such Person or Persons to be carried before some Justice of the Peace, in order to be fent to the House of Correction. there to be kept at hard Labour; and in cafe any Parish or Place shall not take care to employ. but shall encourage or voluntarily permit any fuch Person or Persons so conveyed to them by Pass, as aforesaid, to escape or wander about again, and the faid Person or Persons shall be after taken up again wandering and begging, or mifordering him or herfelf in any other County or Parish, it shall and may be lawful for any Tuffice or Juffices of the County where fuch. Rogue or Vagabond shall be again apprehended. to compute what Charge the faid County shall be put to by the apprehending, punishing, or paffing any fuch Rogue or Vagabond, and the Sum of Money so computed and ascertained, the faid Justice or Justices shall and may, by Warrant under his or their Hand and Seal, order to be levied upon any of the Constables Churchwardens, or Overseers of the Poor, so in Default,

Ch.9. Of Rogues and Vagrants. 181

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by Distress and Sale of his or their Goods; or in case such Parish or Place that is in Default be in another County, then the Warrant ascertaining fuch Charge may be brought to some Justice or Justices of the Peace of the same County, who shall and is hereby required to cause the same to be levyed in manner aforefaid, and the Money fo levied, shall be paid for the Use and Benefit of the County or Place where or by whom fuch Charge was expended; and the Constable or other Officer upon whom the faid Monies shall be levied, may put the same in his or their Rates, which shall be allowed by the Inhabitants of fuch Parish or Place; and likewise the Justices of the Peace of the County or Place, whither any fuch Rogue or Vagabond shall be conveyed and brought by Pass, as aforesaid, may at their general Quarter-Seffions of the Peace, to which fuch Pass is to be transmitted, as aforesaid, enquire of the Default or Neglect of any Officer or other Person of any Parish or Place, to which any Rogue or Vagabond shall be brought, as aforefaid, in permitting or encouraging his, her or their Escape or Departure, and may punish the Person offending according to the Nature and Merit of his Offence; and in case any Person shall be afterwards found again wandering and begging, or misordering him or herself, it shall and may be lawful for any Justice or Justices of the Peace, upon Proof thereof before him or them, to fend fuch Person or Persons to the House of Correction, there to be kept to hard Labour till the next Quarter-Sessions of the Peace to be holden for the same County or Place; and in case such Person or Persons shall not then give Security for his Good Behaviour for one Year

Year then next enfuing, to be approved by the faid Justices of the Peace at the faid Quarter-Seffions, the faid Justices may adjudge him or them to be dangerous and incorrigible Rogues, and order him or them to be punished arcordingly.

20. And be it further Enacted by the Authority aforefaid, That in case any Person or Perfons apprehended and brought before any Justice or Justices of the Peace, as aforesaid, shall, upon Examination, be found by his, her, or their own Confession, or by Oath of one or more credible Witnesses (which Oath fuch Justices or Justices are hereby enabled to administer) to have obtained no legal Settlement fince his or her Birth, and to have committed any of the Acts of Vagrancy mentioned in this Act, or to have used the Trade or Life of a common Beggar or a Vagabond, for the Space of two Years then last past, although he had formerly a Settlement, or to be a dangerous and incorrigible Rogue whithin the Intent of this Law, It shall and may be lawful for fuch Justice or Justices of the Peace, instead of punishing or passing him, her, or them away, in the manner before directed, by Order under his or their Hands and Seals, to commit the Perfon or Persons so apprehended to the Custody and Power of him or them who procured fuch Apprehension, or in Case of his or their Refusal, to the Custody and Power of any other Person or Persons, Body Politick or Corporate, willing to receive him, her or them, as his or their Apprentice or Servant for the Space of Seven Years thence next enfuing, and no longer; and the Person and Persons so committed shall be the Apprentice or Servant of him or them to whom he, she, or they shall be committed, during the faid Ch.9. Of Rogues and Vagrants. 183

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faid Space of feven Years, to all Intents and Confiructions of Law whatfoever; and the Person or Persons, Bodies Politick or Corporate, to whose Custody and Power he, she, or they shall be so committed, shall and may detain, keep, employ, and set to work, either within this Realm of Great Britain, or in any of her Majesty's Plantations, or any British Factory or Factories beyond the Seas, the Person or Persons so committed to his or their Custody and Power, during the said Space of seven Years, and no longer; any Law, Custom or Statute to the con-

trary in any wife notwithstanding.

21. Provided always, That no fuch Person or Perfons shall be transported beyond the Seas, until his, her, or their Master or Mistress shall become bound by Recognizance in the Penalty of 401. with Condition, that the Person or Persons so to be transported, shall be sent to, and employed in some of her Majesty's Plantations, or in some British Factory or Factories, and there supplied with Necessaries fitting and convenient, and at the End of the faid feven Years, or fooner, be absolutely discharged and set at Liberty, and in the mean time not be fold or disposed of to any Alien or Aliens whatfoever; which Recognizance any Justice or Justices of the Peace are hereby enabled to take, and shall transmit the fame to the next Quarter-Seffions of the Peace to he holden for the fame County, Riding, City, Borough, or Town Corporate, there to be filed and kept on Record.

22. Provided any Person or Persons who shall think himself aggrieved by any such Order of any Justice or Justices of the Peace, may appeal to the next Quarter-Sessions of the County where

184 Of Rogues and Vagrants. Ch. 9. fuch Order was made, and shall not be sent away or committed by Vertue of such Order, till such Quarter-Sessions, whose Determination therein shall be sinal, but may in the mean time be kept in the House of Correction of the same County or Place, if such Justice or Justices shall

think it necessary.

23. And whereas many loofe, idle, and diforderly Persons, blind, lame, or pretending to be fo, or with distorted Limbs, or pretending fome Bodily Infirmity, place themselves to beg in Streets, Highways, or Passages, to the great Annoyance and Disturbance of Passengers, for want of due care in the Constable, or other Officers, in whose Precincts or Liberties such Perfons are fuffered to beg; Be it enacted by the Authority aforesaid, That where any such Perfon shall be found begging, as aforesaid, in that Part of Great Britain called England, Complaint thereof being made by two or more Inhabitants of the Parish, Town, or Place, to the Constable, or in his Absence, to the Headborough or Tythingman of the Precinct, Liberty or Place where fuch Person shall be found begging in such manner, as aforefaid, fuch Constable or other Officer, as aforefaid, shall, with all convenient Speed after fuch-Complaint made, cause the said Person to be removed, and in case he or she shall refuse to be remov'd, or being removed, shall offend a fecond Time, fuch Constable or other Officer shall cause such Person to be stripped naked from the Shoulders to the Waste, and whipped till his or her Body is bloody; and if fuch Constable or other Officer shall neglect or refuse to do, or cause the same to be done, Oath of fuch Neglect or Refusal being within 24 Hours made

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Ch. 9. Of Rogues and Vagrants. 185 made by two or more credible Witnesses, before one or more of the Justices of the Peace of the County, Riding, City, Town, or Place where such Person shall be found begging, as aforesaid, (which Oath such Justice or Justices have hereby Power to administer) such Constable or other Officer, for every such Neglect or Resusal, shall sorfeit the Sum of 105. to the Use of the Poor of the Parish, Town or Place, where such Offence shall be committed, to be by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, levied by Distress and Sale of the Goods and Chattels of such Offender, rendring the Overplus (if any be) to the Own-

24. And whereas there are sometimes in Parishes, Towns and Places, Persons of little or no Estates, who by Lunacy, or otherwise, are furiously mad, and dangerous to be permitted to go abroad, and by the Laws in Being, the Justices of Peace and other Officers have not Authority to restrain and confine them; Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for any two or more of the Justices of the Peace of any County, Town or Place in England, Wales, or Town of Berwick upon Tweed, where such Lunatick or mad Person shall be found, by Warrant under their Hands and Seals directed to the Constables, Churchwardens, and Overfeers of the Poor of fuch Parish, Town or Place, or some of them, to cause fuch Person to be apprehended, and kept safely locked up, in fuch fecure Place within the County where fuch Parish or Town shall be, as such Justices shall, under their Hands and Seals, direct and appoint; and (if such Justices shall find

it necessary) to be there chained, if the last legal Settlement of fuch Person shall be in any Parish Town or Place within fuch County; and if fuch Settlement shall not be there, then fuch Person shall be fent to the Place of his or her last legal Settlement, as Vagrants by this Act are directed to be fent, Whipping excepted) and shall be kept fafely locked up or chained, as aforefaid, and the Charges of keeping and maintaining fuch Person, during fuch Restraint (which shall be for and during fuch Time only as fuch Lunacy or Madness shall continue) shall be satisfied and paid by Order of two or more Justices of the Peace for the County, Town or Place where fuch Settlement shall be, out of the Estate of such Person, if fuch Person hath an Estate to pay and satisfie the fame, over and above what shall be sufficient to maintain his Wife and Children, if he hath any; and if he hath not such an Estate, then the Charges of keeping and maintaining fuch Person, during fuch Restraint, shall be satisfied and paid by fuch Ways and Means, as the Poor of fuch Parish, Town or Place, are by the Laws in Being to be provided for.

Thing therein contained, shall not extend, or be construed to extend, to restrain or abridge the Prerogative of the Queen, or the Power or Authority of the Lord Chancellor, Lord-keeper, or Commissioners of the Great Seal of Great Britain, for the Time being, or of the Chancellor or Vice-Chancellor of the County-Palatine of Lancaster for the Time being, or of the Chamberlain or Vice-Chamberlain of the County-Palatine of Chester for the Time being, touching or concerning the Premisses; Any Thing in this Act contained to the contrary notwithstanding.

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26. And be it further enacted by the Authority aforesaid, that in Case the Master of any Ship or Veffel, or other Person, having Command in the Voyage, shall bring into this Realm from Ireland, the Isle of Man, the Isles of Ferfey, Guernsey, or Scilly, or any of the Foreign Plantations, any Rogue, Vagabond, or Beggar, or any Person or Persons likely to live by begging, being a Native of any the faid Islands or Plantations, and the Person or Persons, so brought over, shall be apprehended wandring and begging, or otherwise misordering him or her self, as aforesaid, such Master or Person having Command in the said Voyage, shall forfeit the Sum of 5 1. for every Rogue, Vagabond or Beggar fo brought over, over and above fuch Sum of Money as shall be necessary to defray the Charges that any Constable or other Officer shall be put unto, by Means of apprehending and reconveying back the Perfon or Persons, so brought over; and that the Constable or other Officer of any Parish or Place, where any Person or Persons, so brought over shall be found wandering and begging, or misordering him or her felf, as aforefaid, may cause him, her, or them to be apprehended and openly whipped, and after carried and put on Board any Ship or Vessel, in Order to be re-conveyed and set on Shore in the same Island or Place from whence he, she, or they were brought, paying for the Paffage back of fuch Person or Persons such Rate per Head, as the Justices of Peace at their Quarter-Sessions, shall from Time to Time, appoint, to the Master of the said Ship or Vessel for his Carriage back; and in Cafe fuch Constable or other Officer shall upon Oath make appear before any Justice or Justices of the Peace,

188 Of Rogues and Vagrants. Ch. 9. for the same County or Place, (which Oath such Justice is hereby impower'd to administer) what Expense he hath been put to upon such Occasion, It shall and may be lawful for such Justice or Justices of the Peace, by Order under his or their Hand and Seal, to direct the Payment of the Sum of Money so expended, as also of the said Penalty of 5 1. and in Case such Master or other Person having Command of the said Ship or Vesfel, shall refuse or neglect to pay the same Monies, so order'd to be paid upon Demand, it shall and may be lawful for fuch Justice or Justices, by Warrant under his or their Hand and Seal, to levy the same by Distress and Sale of the said Ship or Vessel, or any Goods within the same, while found or remaining within the Power or Jurisdiction of such Justice or Justices; and if the faid Master of the faid Ship or Vessel, shall be gone out of the Power or Jurisdiction of the faid Justice or Justices of the Peace, the faid Order of the faid Justice or Justices may be remov'd by Certiorari into her Majesty's Cout of Queen's Bench, and there filed on Record; and being fo filed, the Judges of the faid Court are hereby authorized and required to direct Process for the Staying and Arresting the faid Ship or Vessel, and detaining the same, until the Monies mentioned in fuch Order, together with the Charges of iffuing and executing fuch Process, shall be fully fatisfied, or otherwife to award Process, for levying the faid Money by Capias, Fieri facias, or Elegit, against the Master or Owners of the Ship or Vessel, as the faid Court shall think most proper.

27. Provided always, that in Case such Masters or Owners of the said Ship or Vessel, or aCh. 9. Of Rogues and Vagrants. 189 ny of them, shall in the said Court of Queen's-Bench, shew any probable Ground of Grievance by the said Order, he or they may be admitted by the said Court to traverse the same Order giving Security, by Recognizance or otherwise, in the Penalty of 50 l. to answer and satisfie the Costs and Charges of such Traverse, in Case it

shall be determined against him or them.

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28. And wheras divers Vagrants have been conveyed from County to County, in Order to be fent to Places in Ireland, the Isles of Man, Fersey, Guernsey, or Scilly, (their last legal Settlement) but for Want of Authority to compel Masters of Ships and Vessels to take them on Board thither, at reasonable Rates, they have been very chargeable to several Parishes, Towns, and Places in England and Wales, where they have lain for Exportation; be it therefore enacted by the Authority aforefaid, That all and every Master and Matters of Ships and Vessels bound for Ireland, the Isles of Man, Jersey, Guernsey, or Scilly, shall, and they and each of them is and are hereby required, upon Warrant to him or them directed, under the Hands and Seals of a Justice of the Peace of the County, Town, or Place where such Ship or Vessel shall lie, to take on Board the same such Vagrant or Vagrants, as shall be named and expressed in the faid Warrant, and convey him, her or them, to fuch Place in Ireland, the Isles of Man, Fersey, Guernsey, or Scilly, as such Ship or Vessel shall be bound to, or shall arrive at? and for the Charges thereof fuch Master shall take, and the Constable, or Person who serves him with the said Warrant, shall pay him fuch Rate per Head, as the Justices of the Peace, at their Quarter-Sessions, shall from

Time to Time appoint, for every fuch Vagrant fo brought and deliver'd to him; and fuch Mafter shall and is hereby required, on the Back of the faid Warrant, to fign a Receipt for the Money fo paid, and also for the Vagrant and Vagrants fo brought and deliver'd; which Warrant, fo endorfed, shall then be produc'd to the Justice of the Peace, who figned and fealed the fame; and upon his Allowance thereof under his Hand, the Money fo paid shall be repaid by the County, in fuch Manner as by this Act the Money to be paid for conveying Vagrants from County to County is directed: and every Master of such Ship or Veffel neglecting or refufing to receive on Board, or to transport such Vagrant or Vagrants, or to endorse and fign such Receipt, as aforefaid, shall forfeit 5 1. to the Use of the Poor of the faid Parish to be levied by Distress and Sale of the faid Ship, or any Goods within the fame, by Warrant under the Hand and Seal of any Ju-Hice of the Peace for the fame County, City, or Town-Corporate, returning the Overplus (if any be) after the faid Penalty and Charges of levying the fame.

29. And be it further enacted by the Authority aforesaid, that in Case any Constable or other Officer shall fail of his Duty, in the apprehending, punishing, or conveying of Rogues and Vagabonds, or shall be otherwise defective, remiss, or negligent in his Duty, or in Case any Person or Persons shall disturb or hinder the Execution of this Ast, or shall rescuus any Person apprehended, or be aiding or affishing to his or her Escape, and shall be thereof convicted, either upon the View of any Justice or Justices of the Peace, or by the Oath of one or more credible Wirnesses, which Oath the

Ch. 9. Of Rogues and Vagrants. 191 the faid Justice or Justices are hereby impower'd to administer, the Person or Persons so offending for every such Offence shall forfeit 20 s. to the Use of the Poor of the same Parish, to be levied by Distress and Sale of the Offender's Goods, by Warrant from one or more Justices of the Peace for the same County, returning the Overplus (if any be) after the said Penalty and Charges of

making and keeping the faid Diffress.

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30. And be it enacted by the Authority afore-faid, That an Act made in the thirty-ninth Year of the Reign of Queen Elizabeth, intituled, An Act for Punishment of Rogues, Vagabonds and Sturdy Beggars, and another Act made in the first Year of the Reign of K. James I. Intituled, An Act for the Continuance and Explanation of the same Statute, and so much of another Act made in the seventh Year of the same Reign, Intituled, An Act for the Execution of divers Laws and Statutes heretofore made against Rogues, and Vagabonds, and sturdy Beggars, and other level and idle Persons, as relates to the privy Search thereby directed to be made, shall be and are hereby repealed.

Thing therein contained, or any Authority thereby given, shall not in any wife extend to diffinherit, prejudice, or hinder the Heirs or Assigns of John Dutton of Dutton, late of the County of Chester, Esq; deceased, their Heirs or Assigns, for, touching, or concerning any Liberty, Privilege, Preheminence, and Authority, Jurisdiction or Inheritance, which they their Heirs or Assigns, now lawfully use, or have or lawfully may or ought to use, within the County Palatine of Chester, and the County of the City of Chester, or either of them, by Reason of any ancient Charters of a-

ny Kings of this Land, or by Reason of any Prescription, or lawful Usage or Title whatsoever.

In the precedent Statute we may observe, the Title, the Preamble, the Body of the Act, and the several Provisoes therein; which are the usual formal Parts that compose our modern Acts of Parliament.

The Title thereof confifts of three Parts, viz, 1st. For reducing Laws relating to Regues, Vagabonds, &c. into one. And yet by Section 30. it appears that only two formal Acts, and Part of a Paragraph in a third, are hereby repealed.

and yet no express Mention in the Act how Vagrants are to be punished, or distinguished from Rogues and Vagabonds; though by the Preamble of the Act, and comparing Sections 7, 20, and 28, a Difference seems intended.

3dly. And fending them whither by Law they ought to be fent. And this feems to be the principal Intention of making this Stat. for that the former Laws had not fufficiently provided touching passing or conveying Rogues and Vagabands,

as well as Vagrants.

For though Vagrants as well as Vagabonds, are fuch as wander about begging, &c. and both of them fall within the Difinition fine Sede, Fide, See aut Re, yet here it feems, as if a Vagabond was intended one, whose Place of Settlement or Birth may be found on Examination, as is directed, Sect. 4, But a Vagrant is one, whose Settlement or Birth cannot be found to be within this Kingdom; and therefore such may be forced to serve Apprentices, and thereby acquire Settlement, or be transported out of the Kingdom. Vide Sect. 20, and 28, and the Stat. 11 W. 3 c. 18, and Anna C. 14.

Ch. 9. Of Rogues and Vagrants. 193

And that this or the like Difference was intended, as appears from the Preamble of the Act, which recites——Whereas many Parts of the Kingdom, (i.e. the Sea-Coasts, &c.) are oppress'd by the usual Method of conveying Vagabonds or Beggars, &c. by having such Persons conveyed as Vagrants, who ought not so to be: Which plainly declares, that Vagabonds ought not to be conveyed as Va-

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For former Laws having directed that Vagrants should be whipped from Town to Town, and so carried from County to County, till their Place of Birth, &c. could be found, it became a usual Practice for ignorant Justices, Constables, &c. by a general Passport, to convey Vagabonds and Beggars in like Manner, which was a great Burthen and Oppression to the County, and occasion'd the Making of this Act, which was directed a particular Passport for that Purpose. Sect. 5.

And the Body of the Act in several Parts thereof, has not only ascertained how Rogues and Vagabonds shall be apprehended, committed, punished, and conveyed to their last legal Settlement, or Place of Birth, &c. as Sect. 3, 4, 5,
&c. to Sect. 19. but also in Sect. 20. mentions Vagrants as having no legal Settlement; and orders
such to be compelled to serve as Apprentices for
seven Years, and may be sent to the Plantations.
&c.

And Sect. 28. recites, Whereas divers Vagrants have been convey'd from County to County (compare this Sect. with the Words of the Preamble ante Sect. 1.) in Order to be fent to Places in Ireland, &c. Their Places of Settlement being out of the Kingdom, it takes Order how they shall

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be fent thither; and these two Particulars make

up the principal Body of the Act.

Indeed Sect. 23. contains a Direction how another Kind of idle and disorderly Persons shall be punished, i. e. idle Persons, &c. and lame or blind, begging in Streets and Highways, &c. (The Description, Sect. 1. relating to such only as wander and beg at Houses, &c.) And Sect. 24 and 25, concerns the Confining of Lunaticks and mad People. But neither of these are denominated Rogues, Vagabonds and Vagrants by the Act, nor can they be so esteem'd within the Intent or Meaning thereof.

Another Part of the Act contained in Sect. 26, 27. directs how Masters and Owners of Ships importing Rogues from Ireland, &c. shall be distrained or prosecuted for the same. But that not appearing to be any of the principal Branches of the Act, nor to come within the first Intention or Design of the Law-Makers, I shall waive it at present, and proceed to consider some of the

principal Sections or Clauses therein.

[Sect. 1.] Gives a Description of the several Species of Persons who are to be deem'd Rogues and Vagabonds within this Act: And they are hereby distributed under seven particular Classes or Divisions, viz.

Patent-Gatherers, wandring for Collectors for Prisons, &c.

Fencers, Bearwards, Common Players of Inter-ludes, Minstrels, dring, &c.
and Juglers.

Patent-Gatherers, wandring for that Purpose.

Of Rogues and Vagrants. 195 3. Pretended SGypfies or E-7 wandring in their Egyptians, & Habit or Form. Phisiognomy, ? or like crafty Palmestry, Science.

or, like than-4. Pretenders to. Stastical I-) Fortune-telling, maginations

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6. All able-bodied Persons, who run away, and leave their Wives or Children to the Parish, and not having otherwife to maintain themfelves, use loitering, and refuse to work for the usual and common Wages.

(Note, This Description is very perplexed, and the several Copulatives therein render it very uncer-

tain.)

7. And all other idle Persons wandring abroad and begging (except Soldiers, Mariners, &c. licensed, &c. Vide the Act.)

Note, The faid Exception in the Ast can refer to this last part of the Description only, viz. All other idle Persons, &c. And to bring any Perfon within this Description, there must be both

a Wandring, and also Begging.

So that Soldiers, Mariners, &c. may wander or travel without fuch Testimonial, &c. as is mentioned in this Exception: But then they must take care they do not beg (at Peoples Houses) or come under any of the former Parts of the above Description; in which Cases such a Testimonial, &c. would not protect them; for it cannot give them a License to do a Thing expressy prohibited by the Act; but with such a Testimonial they may beg and wander, but not out of the direct Way.

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Note

Note, There are several Parts of the Description of a Rogue or Vagabond in the Statute of 39 Eliz. (hereby repealed) but, omitted in this; particularly (all Persons calling. themselves Scholars, going about begging) Vide the said Act and Quare, If the said Omission will not be one Means of introducing the Order of Mendicants,

[Sect. 2.] Here the Descriptions which in the former Section were confined to wandring, seem to be enlarged and rendred less certain by adding the Words, and begging or misordering, &c. But no doubt these Words shall be taken distributively, reddendo singula singulis; so that Wandring, Begging and Misordering, &c. must respectively refer to the several Species of Rogues, &c.

as they are above described.

For as Wandring is here express'd to be the sole efficient Cause why pretended Patent-Gatherers and Collectors for Prisons, &c. are to be deemed Rogues and Vagabonds within this Act, so both Wandring and Begging are necessary to bring all idle Persons under that Description: And the Word Misordering must relate to all those Parts of the Description from N°. 2. to N°. 5. inclusive; as Fencers, Bearwards, &c. All which are Rogues within this Act, because they are included in these Words, Misordering themselves as aforesaid.

The Manner of apprehending Rogues and Vagabonds being particularly directed in this Section, the Direction ought to be firstly pursued, as that it be done by Warrant or Charge from a Justice. 'Tis true, the Constable being an Officer at Common Law, may apprehend without such Warrant or Charge. But any other Inhabitant (in this Section mentioned) must, I take

Ch. 9. Of Rogues and Vagrants. 197 it, have an Authority in Writing from the Juffice.

But, Note, Inhabitants after such Authority receiv'd, must obey it, under the Forseiture of 10 s. Yet a Quære may be here made, whether such Forseiture can be, or such Inhabitant, or the Constable, are obliged to apprehend, in the Case of idle Persons, but only where such Persons.

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And I conceive they cannot. For though the Constable or any Inhabitant should see any idle, loitering or disorderly Person begging or gathering Alms in the Highways, Streets or Fields, &c. in such Cases they may refuse to apprehend, without incurring the Forseiture, notwithstanding the Warrant or Command of a Justice. And for such begging in the Highways, Streets, &c. particular Directions are given by another Branch of this A&, viz. Se& 23. and therefore cannot be intended to be included in this Clause.

Besides, by the following Words of this Section, a Reward is given to any Person that shall apprehend a Rogue, &c. which seems intended to take place where the Forseiture could not; and is to be paid by the Constable, &c. where such Rogue, &c. last was found begging, &c and pass'd unapprehended, to the Person apprehending---Which Words begging and passing unapprehended can respect only that Part of the Description of a Rogue, which makes both Begging

and Wandring necessary to his being fo.

And therefore the Penalty of 20 s. in case of the Refusal or Delay of the Constable, &c. to pay the Reward of 2 s. to the Person apprehending on Demand, can only be in those Cases where there is both a Wandring and a Begging.

K 3 [S.ct. 3.]

[Sect. 3.] Directs how general privy Searches shall be made, which needs no Explanation; only you may observe how far the Law is altered in this Particular, by comparing this Section with the like Clause in 7 Fac. 1. c. 4. Sect. 5.

[Sect. 4.] After such Rogues, &c. are apprehended, either by the Constable or Inhabitants, as Sect. 2. or upon a privy Search, as Sect. 3. they are to be examined by some Justice or Justices, who upon Oath of the Parties and others, or by other Ways they shall think proper, are to inform themselves of their Condition, Circumstance, Place of Abode and Birth: This Examination is to be put in Writing, and signed by the Party examined, and transmitted to the next Sessions, there to be filed and kept on Record. And if it appears that such Person has gained any legal Settlement, he shall be sent thither in the same manner as former Laws direct, touching other Persons likely to become chargeable to a Parish.

But if no such legal Settlement can be found, then the Justice or Justices are by a Pass directed and penned according to the Form in this Act prescribed, to cause him to be conveyed to the Place of his Birth, if above sourteen, or if under, and has a Father and Mother, to their Place of Residence; or if that cannot be known, to the Parish or Town where he last was sound begging or misordering himself, and pass'd unapprehended, to be there delivered to the Constable.

&c. of fuch Parish or Place.

[Sect. 5.] Contains the Form of the Pass, whereby such Rogues, &c. are to be conveyed, which being particularly prescribed, ought to be expressly observed according to the Form or Tenour thereof.

SeEt. 6.

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[Sect. 6.] Is a Proviso for whipping any Perfon having a legal Settlement, that wanders and begs, and (it should be or) misorders himself as aforesaid; or any other Person apprehended as a Rogue, &c. before he be sent by such Pass, if the Justice thinks proper; or for sending him to the House of Correction at the Justices Discretion.

But here note, where such corporal Punishments, &c. are to be left at the Justices Discretion, they would do well to be cautious in the Exercise of such Powers; for such Powers are to be strictly limited, as being contrary to the Common Law; and the Justices Warrant or Order, if illegal, will not secure the Officer that executes

it, from being liable to an Action.

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For the Office of Justices of Peace being unknown to the Common Law, they can have no Authority, but what is given them by the plain and express Words of a Statute. And such Statutes as give them any Authority, are to be strictly expounded, and are in no case to be taken by Implication or Construction in favour of any Authority which is not warranted by the Common Law.

There needs little to be faid on the twelve following Sections, the same being plain and express in themselves. And as for the Sections from 23 to 30 inclusive, I have already said something to them in the Notes on the Body of this Act.

But touching Sect. 31. I shall here present the Reader with a Piece of History of good Authority, and some Records, in order to explain the

Matter contained therein, viz.

Randal Blandeville (not Glanville, as some would have it) Earl of Chester, after many Victories obtained against the Welsh, was, about the

End of the Reign of Richard 1. circumvented by them, and forced to retreat to the Castle of Rothelent in Flintshire, where they straitly besieged him. He presently sends to his Constable of Cheshire, viz. one Roger Lacy, who for his sierce Spirit was surnamed Hell, ordering him to bring what Forces he could presently get together for his Relief; whereupon, it being Midsummer-day, and a great Fair then held at Chester, Reger gets together a tumultuous Rout of Fidlers, Players, Coblers, and debauched Persons, both Men and Women, and marches immediately towards the Earl; and the Welsh perceiving a great Multitude coming, raised the Siege and fled.

The Earl being thus freed, comes back with his Constable to *Chester*, and by a Charter gives him Power over all the Fidlers, Letchers, Whores and Shoemakers in *Chester*, in Reward and Memory of this Service, to him and his Heirs.

Afterwards about the End of King John, or Beginning of Henry III. Roger Lacy being dead, his Son John by Deed grants to one Hugh Dutton, his Steward, and to his Heirs, the Rule and Authority of all the Letchers and Whores in all Chesbire in these Words: Sciant prasentes & futuri quod ego fohannes Constabularius Cestriæ dedi & concessi & hac præsenti Charta mea confirmavi Hugoni de Dutton, & Heredibus Suis Magistratum omnium Leccatorum & Meretricum totius Cestrie, sic ut liberius illum Magistratum teneo de Comite, salvo Jure meo mili & Hæredibus meis. His Testibus, &c. By which Saving, the Constable referved to himself and his Heirs, the Authority over the Shoemakers, but the Authority over Fidlers and Minstrels was pass'd to Dutton, and his Heirs, as necessary Concomitants with Whores and Rogues.

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Ch. 9. Of Rogues and Vagrants. 201

But Time hath somewhat moderated this Cuflom; for though the Grant to Dutton mentions Letchers and Whores, yet the Privilege and Cufrom used and claimed of late, has been only over common Fidlers and Minstrels of Chester and Cheshire, which Privilege and Authority is enjoyed by the Heirs of Dutton to this Day; who in Memory thereof keep a yearly Court at Chester on Midfummer or St. John's Day, being Chefter Fair, and in a folemn Manner ride attended. through the City to St. John's Church, with all the Minstrels v of the whole County playing before them, and then at the Court renew their Licenses yearly. For to this Purpose a Court is also then held, where all the Fidlers and Minstrels of the City and County are to attend and play before the Lord of Dutton, and none ought to use their Minstrelfy, either within the City or County of Chelbire, but by an Order and License of that Court under the Hand and Seal of the laid Lord or his Steward.

And Note, In 14 H. 7. a Quo Warranto was brought against Laurence Dutton of Dutton, Esq; to know why he claimed, That all Fidlers and Minstrels of Chespire and the City of Chester, should meet before him at the said City yearly on St. John Baptist's Day, each Fidler to give him four Bottles of Wine and a Launce, and every Minstrel to pay to him 4 d. And every Whore in Cheshire, and in the City of Chester, Officium sum exercente, 4 d. to which he pleaded Pre-

scription.

And whereas by the Statute of 39 Eliz. cap. 4. Fidlers and Minstrels are declared to be Rogues; yet by a special Proviso in that Statute, and in the Statute of 1 fac. 1. an Exception is made of

those in Chester and Chestere, that shall be licensed by John Dutton of Dutton, his Heirs or Assigns. And those Statutes being repealed by the 30th Section of this, therefore, the Right of the Heirs and Assigns of the said John Dutton is preserved by this Section, which is transcribed verbatim from the like Clauses in 39 Eliz. and 1 Jac. I. So that the Fidlers and Minstrels of Chestere, if licensed by the Heirs or Assigns of Dutton, are no Rogues or Vagabonds within this Act, tho' they wander, &c. Sed vide 43 Eliz. c. 9. Sect. 27.

CHAP. X.

Statutes relating to the Poor, and Resolutions of the Judges thereupon.

THE general Statutes which treat concerning Labourers, poor People, and fome other People, who wilfully become chargeable to a Commonwealth, (and therefore ought properly to be distinguished by another Name) are, viz.

I. Stat. 5 Eliz. cap. 4. Concerning Labourers, Artificers, Servants, and Apprentices; with 1 Jac. 1. 6. for rating the Wages of Labourers, and other Artificers.

II. More particularly relating to poor People; 25 43 Eliz. 2. 1 Fac. 1. 25. 7 Fac. 1. cap. 3. 3 Car. 1. cap. 4. 13 & 14 Car. 2. cap. 12. 22 & 23 Car. 2. cap. 8. Stat. 1 Fac. 2. cap. 17.

Vagabonds, Vagrants, Rogues, Beggars, &c. as 18 Eliz.

Ch. 10. and Resolutions thereupon. 203
18 Eliz. cap. 3. 39 Eliz. c. 4. Stat. 39 Eliz.
c. 17. Stat. 1 Jac. 1. c. 7. Stat. 7 Jac. 1.
cap. 4.

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d m I. if The Statute 1 Fac. 1. cap. 31. relates to fuch poor People as are infected with the Plague.

Labourers, Artificers, Servants, and Apprentices.

Note, That by Stat. 2 & 3 Ed. 6. c. 15.

I. A Rtificers, Workmen, and Labourers, that conspire together concerning their Work or Wages, every of them so conspiring shall forfeit for the sirst Offence 101. to the King; and if he pay it not within six Days after Conviction, by Witness, Consession, or otherwise, he shall suffer twenty Days Imprisonment, and during that Time shall have no Sustenance but Bread and Water: For the second Offence he shall forfeit 201. and that not paid within six Days, as aforesaid, shall suffer the Pillory: And for the third Offence he shall forfeit 401. and that not paid within the said Time, shall again suffer the Pillory, lose one of his Ears, and be ever after taken as a Man infamous, and not to be credited.

II. Justices of Assize, Justices of Peace, Mayors, Bailiss, and Stewards in Sessions, Leets and Courts, have Power to hear and determine these Ossences: But Quære, Whether this Branch of this Statute be not repealed by the general Words

of 5 El. 4. following?

204 Statutes relating to the Poor, Ch. 10.

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III. Stat. 5 Eliz. 4. So much of all Statutes made, and every Branch thereof, as touch or concern the Hiring, Keeping, Departing, working, Wages, or Order of Servants, Workmen, Artificers, Apprentices, and Labourers, or any of them, and the Penalties and Forfeitures concerning the same, are repeal'd: Howbeir, the said Statutes, and every Branch and Matter therein contained, not repealed by this Act, shall remain in Force.

IV. None shall hire or be hired for less than one whole Year in the Arts of Clothier, Woollen-Weaver, Tucker, Fuller, Clothworker, Sheerman, Dier, Hosser, Taylor, Shoemaker, Tanner, Pewterer, Baker, Brewer, Glover, Cutler, Smith, Farrier, Currier, Sadler, Spurrier, Turner, Capper, Hat or Felt-maker, Fletcher, Arrow-head-

maker, Butcher, Cook, Miller.

V. Every Person unmarried, or under the Age of thirty Years, tho' married, having been brought up in any of the Arts abovefaid by the Space of three Years, and not worth in Lands 40 s. per Annum, or in Goods 10 l. and fo allowlowed under the Hands and Seals of two Justices of Peace, the Head Officer, or two discreet Burgeffes of the Place where the Party fo brought up hath liv'd, by the Space of one whole Year, not already retained in Husbandry, the Arts abovefaid, or any other Art or Mystery, or in any Service, (upon request of any Person using the fame Art) shall not refuse to serve for the Wages limited by the Statute; and fo being retained, shall not depart from his or their Service without one Quarter's Warning before two lawful Witnesses, or some lawful Cause, to be proved before one Justice of Peace, or Head Officer,

Ch. 10. and Resolutions thereupon. 205

in Pain of Imprisonment without Bail; but upon Submission to perform the Service, they shall be enlarged without Fees, which Commitment and Enlargement two Justices of Peace, the Head Officer, or two Burgesses, as aforesaid, unto whom Complaint shall be made, have Power to command as in their Discretions, and upon due Proof,

shall be thought fit.

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VI. Every Person between the Ages of twelve and sixty, not already retained in any Service, nor employed about Husbandry, Mines, Glass, Coal, Fishing, Sailing, Provision of Grain or Meal for London, nor Gentleman born, nor Scholar in any University or School, nor worth 40s. per Annum in Lands, or 10l. in Goods, not having a Father, Mother, or other Ancestor (whose Heir he is) worth 10l. per Annum in Lands, or 40l. in Goods, shall be compelled to service otherwise than as is before limited, upon Pain above express'd.

VII. None shall put away his Servant before the End of his Term without a Quarter's Warning, or some lawful Cause, to be proved by two sufficient Witnesses before the Justices of Oyer and Terminer, Justices of Assize, Justices of Peace in Sessions, a Head Officer, or two discreet Alder-

men or Burgesses, in Pain of 40s.

VIII. No Servant, having ferved in one City or Town, shall get to serve in another without a Testimonial, (viz. in a Town Corporate under the Seals of the Towns, or two Housholders there, and in the Country under the Seals of the Constable or Constables, and two Housholders there) which Testimonial shall be made and delivered to the Party, and also registred by the Minister

Minister of the Place where the Servant dwelt, for which the Master is to have Two-pence.

IX. The Form of the Testimonial is this: Memorandum, That A.B. Servant to C.D. of I. in the County of E. Husbandman or Taylor, &c. in the said County, is licensed to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statutes in that Case made and

provided. In Witness, &c.

X. The Servant which sheweth not such a Testimonial to the chief Officer in a Corporation, or to the Minister, or some Officer, in any other Place where he is to dwell, shall suffer Imprisonment till he procure one; and if he produce not one within one and twenty Days after his Imprisonment, or shew a false one, he shall be punished by Whipping as a Vagabond; and the Master that retains a Servant without such a Testimonial

shall forfeit 51.

XI. Those that work by the Day or Week, shall continue at Work, betwixt the middle of March, and the middle of September, from five in the Morning till betwixt seven and eight at Night, except two Hours allowed for Breakfast, Dinner and Drinking, and half an Hour for Sleeping, from the midst of May to the middle of August, and all the rest of the Year from Twilight to Twilight, except an Hour and an half allow'd for Breakfast and Dinner, in Pain to have one Penny defaulked out of their Wages for every Hour's absence.

XII. None that takes Work by Great shall leave the same before it be quite finished, except for Non Payment of his Wages, the Queen's Service, Licence of the Work-master, or other lawful Cause, in Pain to suffer one Month's Im-

prisonment

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Ch. 10. and Refolutions thereupon. 207 prisonment without Bail, and to forfeit 51. to the Party grieved, besides his Costs and Damages, to be recovered at the Common Law for the Loss sustained.

XIII. None retained in Service to work shall depart without Licence, in Pain of one Month's

Imprisonment.

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XIV. Such Wages of Labourers, Artificers, and others, as have been formerly rated, or concern Husbandry, shall be yearly affes'd for the County by the Sheriff and Justices of Peace in Seffions, and in Corporations by the Head Officer, at their Easter Sessions, or within fix Weeks after, and before the 12th of July following, shall be certify'd under their Hands and Seals in the Chancery: Whereupon the Lord Chancellor or Keeper shall send down printed Proclamations thereof into every County and Corporation before the first of September then next following, which the faid Sheriffs, Justices, or Head Officer shall, before Michaelmas after, cause to be enroll'd and proclaim'd. But here, when the old Rates shall be certify'd to stand, no Proclamation is needful.

XV. A Justice of Peace or Chief Officer, which shall be absent at the taxing of Wages (being not letted by Sickness, or some other reasonable Cause to be allowed by the Justices upon Affida-

vit) shall forfeit 10 l.

XVI. None shall give greater Wages than those so rated, as aforesaid, in Pain of 5 l. and ten Days Imprisonment without Bail; and if any Person shall be convicted before two Justices of Peace, or a Head Officer, of taking more Wages, he shall suffer one and twenty Days Imprisonment without Bail.

XVII. Every

XVII. Every Retainer, Promise, Gift, or Payment of Wages, or other thing contrary to the true Meaning of this Act, and every Writing and Bond to be made for that Purpose, shall be void.

XVIII. If any Servant, or other, shall be convicted before two Justices of Peace, or a chief Officer, as aforesaid, by his own Confession, or the Testimony of two honest Men, to have assaulted his Master, Mistress, Dame or Overseer, he shall suffer one Year's Imprisonment, or less, if the Justice or chief Officer shall think sit; and if the Party shall be thought to deserve a more severe Punishment, then to receive such open Punishment (Life and Member excepted) as the Justices in Sessions, or the chief Officer and sour of the discreetest Men in the Corporation, shall think convenient.

XIX. Artificers shall work in Hay-time and Harvest in Pain of Imprisonment in the Stocks two Days and one Night, which the Constable

shall inflict upon them in Pain of 40 s.

XX. It shall be lawful for Labourers, other than such as are retain'd in Service according to this Statute) to go to other Shires to work in Hay-time and Harvest, so that they bring with them a Testimonial under the Hand of one Justice of Peace, or a chief Officer, testifying that they have not sufficient Work in the Place where they liv'd the Winter before; for which Testimonial they shall only pay a Penny.

XXI. Every unmarry'd Woman fit to serve, being above twelve Years old, and under forty, shall by two Justices of Peace, a chief Officer, or two Burgesses, be compellable to serve for convenient Time and Wages in Pain of Imprisonment.

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Ch. 10. and Resolutions thereupon. 209

XXII. Husbandmen being Housholders, and using half a Plough-land at least in Tillage, may take by Indenture Apprentices above the Age of ten Years, and under eighteen, to serve in Husbandry until the Age of twenty-one Years at least, or twenty-four Years, as the Parties can agree.

XXIII. Every Housholder of the Age of twenty-three Years, dwelling in a Town-Corporate, and using there any Art or Mystery, shall and may take an Apprentice for seven Years at least; howbeit the Term ought not to expire before the Apprentice accomplish the Age of

twenty-four Years.

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XXIV. Merchants, Mercers, Drapers, Goldsfmiths, Ironmongers, Embroiderers, and Clothiers, dwelling in Corporate-Towns, shall take no Apprentices but their own Children, or such whose Parents have Inheritance, or Freehold of 40 s. per Annum, to be certify'd under the Hands and Seals of three Justices of Peace of the County where such Lands be, to the Head Officer of the said Corporation, who shall cause the same to be recorded. Artificers in Market-Towns not Corporate, being Housholders, and of the Age of twenty-sour Years, may take other Artificers Children to serve as Apprentices.

XXV. Merchants, Mercers, Drapers, Goldfmiths, Ironmongers, Embroiderers, and Clothiers, dwelling in Market-Towns not Corporate, shall take no Apprentices but their own Children, or such whose Parents have Inheritance of Freehold, worth 31. per Annum, to be certify'd under the Hands and Seals of three Justices of

Peace, as aforesaid.

XXVI.Smiths, Wheel-wrights, Plough-wrights, Mill-wrights, Carpenters, Rough-masons, Plaisterers, Sawyers, Lime-burners, Brick-makers, Bricklayers, Tylers, Salters, Helyers, Tile-makers, Linen-weavers, Turners, Coopers, Millers, Earthern-Potters, Woollen-weavers (of Housewise's Cloth only) Fullers, Wood-burners, Thatchers, and Shinglers, may take Apprentices, tho'their Parents have no Land.

XXVII. None which hath not ferv'd as an Apprentice feven Years in any Art or Mystery now us'd, shall use the same, or set any other to work therein which hath not so serv'd out that Time, in Pain to forseit 40 s. for every Month.

XXVIII. Woollen Cloth-weavers (other than fuch as inhabit Cumberland, Westmorland, Lancaster, or Wales, or in Cities, Corporations, or Market-Towns) shall take no Apprentices, nor teach any their Art, save their own Children, or such whose Parents have Inheritance or Freehold worth 3 l. per Annum, to be certify'd under the Hands and Seals of three Justices of Peace of the County where the Lands lie, in Pain to forfeit 20 s. for every Month: And the Indenture shall within three Months be register'd in the Parish where the Master dwells, the Fee of which Registring is 4d. This Section is repeal'd by Statute 5 & 6 W. & M. cap. 9.

XXIX. Every Cloth-worker, Fuller, Sheerman, Weaver, Taylor and Shoemaker, shall for every three Apprentices, keep one Journeyman; and for every Apprentice above three, another

Journeyman, in Pain of 101.

XXX. This Act shall not prejudice Worsted-makers, nor Worsted-weavers, in Norwich and Norfolk.

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Ch. 10. and Resolutions thereupon. 211

XXXI. If any Person fit to make an Apprentice, refuse to serve upon Demand, one Justice of Peace, Mayor, or Head Officer, unto whom Complaint thereof shall be made, have Power to commit him to Ward, until he shall be wil-

ling to ferve accordingly.

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XXXII. If there shall arise any Difference betwixt the Master and the Apprentice, one Justice of Peace in the County, or the Mayor or Head Officer in a Corporation or Market-Town, shall have Power to reconcile it, if they can; if not, then to bind over the Master to the next Quarter-Sessions, where the Justices of Peace, or any four of them, (1. 2.) or the Head Officer, with the Consent of three of his Brethren, shall upon Default found in the Master, in Writing under their Hands and Seals, have Power to discharge the Apprentice of his Service; and if Default be found in the Apprentice, then to instict such Punishment upon him as in their Discretions shall be thought sit.

XXXIII. None shall be bound to enter into an Apprentice ship other than such as be under the

Age of one and twenty Years.

XXXIV. Justices of Peace in their several Divisions, and Head Officers in Towns-Corporate, shall meet twice every Year, viz. Once betwixt Michaelmas and Christmas, and another time betwixt Lady-Day and Midsummer, to give Order

for the due Execution of this Statute.

XXXV. Justices of Peace and Head Officers, shall have 5 s. for every Day they fit about the Execution of this Statute, to be allow'd them out of the Fines which accrue upon the Breach thereof; so that their Sitting be only for Matters contain'd in this Statute, and not above three Days at one time.

XXXVI.

XXXVI. The Forfeitures aforesaid (except those otherwise limited) shall be divided between the Queen and the Prosecutor: and all Justices of Peace, or any two of them, (1 2.) and every Head Officer, shall have Power to hear and determine the Breach of this Statute upon Indistment, or otherwise, and to award Process and Execution accordingly; and shall yearly in Michaelmas-Term, by Estreat, certifie into the Exchequer the Fines which accrue upon this Statute, in Manner as they ought to do in other Cases.

XXXVII. This Act shall not restrain the Cities of London and Norwich from taking of Ap-

prentices as in Times past.

XXXVIII. None shall take Apprentices otherwise than is limited by this Act, in Pain of 10 l. and all Indentures otherwise made shall be void.

XXXIX. An Apprentice shall be bound by his Indentures, notwithstanding his Non-age of

one and twenty Years.

XL. The Inhabitants of Godalming in Surrey may take and use such Arts and Apprentices as Market-Towns may do, by Vertue of this Act.

XLI. The Fines accruing by this Act in Towns Corporate, shall be appointed by the Head Officer (to be collected as other Fines and Amer-

ciaments) for the Use of the same Towns.

XLII. When an Apprentice departs from his Master's Service into another County or Corporation, it shall be lawful for the Justices of Peace, or Head Officers there (being Justices of Peace) to direct a Capias to the Sherist, or other Chief Officer, for his Apprehension; and being taken, the said Justice of Peace, or Head Officer, shall

Ch. 10. and Resolutions thereupon. commit him to Ward until he he give good Security that he will honeftly ferve out his Time.

XLIII. Notwithstanding this Act, High-Constables have Power to keep their Statute-Sessions, fo that they there do nothing repugnant there-

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XLIV. Stat. 1. Fac. 6. The Stat. of 5 Eliz. 4. shall give Power to the Justices of Feace to rate the Wages of any Labourers, Weavers, Spinsters, and Workmen or Workwomen, whatfo-

XLV. The Rating of fuch Wages in Sessions by the more part of Justices within any particular Riding or Division, (where General Seffions have been us'd feverally to be kept, shall be as effectual as those rated at the General Sef-

fions of the whole County.

XLVI. The Sheriffs and Head Officers, within their feveral Precincts, shall cause the said Rates to be proclaim'd in fuch Sort as if they had been fent down printed from the Lord Keeper, which all Persons shall be bound to observe, upon the Pains and Penalties mention'd in the faid Statute

of 5 Eliz. 4.

XLVII. A Clothier, or other convicted before the Justices of Assize or Peace in Sessions, or before two Justices of Peace, (1 Q.) by his own Confession, or the Evidence of two Witnesses, not to have observ'd the faid Rates, by paying less than in the Rates so appointed, shall forfeit 10 s. to the Party griev'd, to be levy'd upon Warrant from the same Justices, by Distress and Sale of the Goods.

XI.VIII. None shall incur any Danger for not making Certificate of the Rates into the Chan-

cery, according to 5 Eliz. 4.

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XLIX. A Clothier, being also a Justice of Peace, shall not be a Rater of Wages for any Artificers that depend upon making of Cloth.

By Stat. 8 & 9 W. 3. c. 30. Where any poor Children shall be appointed to be bound Apprentices, pursuant to the Act of 43 Eliz. c. 2. the Persons to whom they are appointed to be bound, shall receive and provide for them according to the Indenture; and upon Resusal so to do, upon Oath thereof made by a Churchwarden or Overseer before two Justices, he or she so offending shall forfeit 10 l. to be levy'd by Distress and Sale of the Offender's Goods, to be apply'd to the Use of the Poor of the Parish where such Offence was committed; saving to such Persons their Appeal to the next Quarter-Sessions for that County, whose Order therein shall be final.

And by this Statute, no unmarry'd Person, not having Child or Children, lawfully hir'd into any Parish or Town for one Year, shall be deem'd to have a good Settlement in such Parish, unless he continue in the same Service during

By the Stat. 2 Ann. c. 6. two Justices, in their Counties, &c. Mayor, Aldermen, and other chief Officers, of any City or Town-Corporate, and Churchwardens and Overseers of the Poor, with consent of two Justices of the Peace, &c. may bind out Boys above 10 Years of Age, whose Parents are chargeable to the Parish, to be Apprentice to the Sea Service, to any Master, or Owner of any Vessel or Ship belonging to any Port in England and Wales, until the Age of one and twenty; and the Age of the Boy is to be mention'd

Ch. 10. and Resolutions thereupon. 215 tion'd in the Indenture. Also the Overseers are to pay 50s. to the Master for Cloathing, Boarding, &c. and to be allow'd it on their Accounts.

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The Justices, Aldermen, Mayor, and chief Officer, in or near the Port where Ships shall arrive, may hear and determine Complaints of hard Usage of all Apprentices to Sea-Service. See Washington's Abridgment of this Statute, Tit. Seamen; & ibid. Sect. 33. How the Masters of Apprentices, according to 43 Eliz. c. 2. may turn over their Apprentices to such Master or Owner during the Remainder of their Apprenticeship, and a Protection shall be given till he be eighteen Years of Age; and after such Age, if they shall be impress'd, or enter themselves into Her Majesty's Service, their Owners or Masters shall have able Seamens Wages for such of them as are found qualify'd.

How disorderly Servants, Rogues, Vagabonds, and Beggars, may be sent into Her Majesty's Service by Stat. 2 Ann. cap. 6. in such manner as is directed for Vagrants by 11 Will. 3. cap. 18.

Stat. 43 Eliz. cap. 2.

I. The Churchwarden of every Parish, and four, three or two Housholders there, (according to the Greatness of the Parish) to be nominated yearly in Easter-Week, or within one Month after, under the Hands and Seals of two Justices of Peace, (1 2.) shall be called Overseers of the Poor for the same Parish.

II. These Overseers, or a greater Part of them, shall take Order (with the Consent of two such Justices) for the setting of poor People to work,

and for raifing (by Taxation) a convenient Stock to work upon, to relieve impotent Persons, to put forth Apprentices, and to persorm all other Things

convenient to the Premisses.

III. These Officers, or such of them as shall not be let by some just Excuse, (to be allow'd by two such Justices) shall meet monthly in the Church upon Sunday after Evening-Prayer, and there consider of some meet Direction in the Premisses; and shall within sour Days after the End of their Year, and other Overseers nominated, yield up a true Account to such two Justices, pay the Surplusage thereof to their Successors, and use all possible Diligence in their Office, in Pain to forseit for every such Desault 20 S.

IV. Where the Inhabitants of any Parish are not able to relieve themselves, two such Justices may tax other Parishes and Places, and the whole Hundred also (if need require); and where the whole Hundred is not able, Justices of Peace in Sessions may tax the County in part, or wholly,

at their Discretions.

V. It shall be lawful for the said Officers, upon Warrant from two such Justices, to levy such Tax or Surplusage by Distress and Sale of Goods; and in Default of Distress, two of the said Justices have Power to commit the Party to Prifon, there to remain (without Bail) until he be discharged, and also to commit Persons which resuse to work, to the House of Correction.

VI. The faid Officers, or the greater Part of them, with the Affent of two Justices of Peace, may bind poor Children Apprentices, viz. a Man-child till twenty-four Years of Age, and

Ch. 10. and Resolutions thereupon. 217
a Woman-child till one and twenty Years, or

Marriage.

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nd a VII. The said Officers shall (with the Confent of the Lord of the Manor first obtain'd in Writing under his Hand and Seal) either of themselves, or by Vertue of a Sessions-Order, erect Cottages upon the Waste, and lodge Inmates therein, notwithstanding the Statute of 31 Eliz. 7. But those Cottages shall not be asterwards otherwise employ'd than to lodge impotent Persons therein, upon the Pains mentioned in the said Statute of 31 Eliz.

VIII. Justices of Peace in Sessions shall rectify unjust Taxes, whose Order therein shall be bind-

ing to all Parties.

IX. The Father, Grandfather, Mother, Grandmother, and Children, of every poor Person, shall be assessed toward their Relief, as the Justices of Peace in Sessions of the County where such Father, &c. dwells, shall limit and appoint, in Pain to forfeit 205. a Month.

X. Officers in Corporate-Towns, and Aldermen of London, have in their feveral Precincts like Authority that Justices of Peace have in the Counties, which said Justices are not to intermeddle in Corporations for the Execution of this

Law.

X1. When one Parish extends into several Counties or Liberties, the Justices or Head-Officers shall only intermeddle within their Respectives; but the Churchwardens and Overseers shall have mix'd Jurisdiction, and shall render Account (as aforesaid) to Justices or Head-Officers of both Places.

XII. If it happen Overfeers not to be appointed according to this Statute, every Justice

of Peace or Head-Officer of that Division or Corporation shall forfeit 5 l. to be levied by a Sessions-Warrant, and employ'd to the Use of the Poor of the Parishes where such Default is made.

XIII. The Forfeitures of this Statute shall be employ'd to the Use of the Poor, and levied by

Distress and Commitment, as aforesaid.

XIV. Justices of Peace of every County and Corporation, or the most Part of them, at Easter-Sessions shall yearly (or as often as they shall think sit) rate every Parish at a certain Sum to be paid weekly; but so as no Parish may pay more than Sixpence, nor less than a Halfpenny, and (one Parish being consider'd with another) not above Two-pence through the whole County or Corporation, which Sum so rated, the Churchwardens and Constable of every Parish, or any of them, (or in their Default, a Justice of Peace) have Power to assess and levy by Distress, Sale,

and Commitment, as aforefaid.

XV. Justices of Peace shall then likewise rate every Parish towards the Relief of the King's Bench and Marshalsea, and also of Hospitals and Alms-houses situate within their several Jurisdictions, appointing only so much to the said Hospitals and Alms-houses, that the King's Bench and Marshalsea may each of them receive at least 20s. yearly out of every County; and the Sums thus to be assessed upon every Parish, the Churchwardens there shall collect and levy as before, and pay them over quarterly to the High Constable of that respective Division ten Days before every Quarter-Sessions, and the High Constable shall every Quarter-Sessions pay the same over to the two Treasurers of the County, or one of them,

yearly, at Easter-Sessions, render a true Account to their Successors, and pay the Monies in their Hands to the Lord Chief Justice of the King's Bench, and the Knight-Marshal, by equal Portions. And here the Churchwarden, or his Executors, &c. which fails in Payment to the High-Constable, shall forfeit 10s. and the High-Constable, or his Executors, &c. which fails in Payment to the Treasurers, shall forfeit 20s. to be levied and employ'd by the said Treasurer as aforesaid.

XVI. The Stock of every County shall be order'd and dispos'd to Charitable Uses, as the Juslices, or the more Part of them, shall think convenient.

XVII. The Treasurer that refuseth to execute his Office, to diffribute Relief, or to account, as the most Part of the Justices shall direct, shall be fined by the same Justices, or (in their Default) by the Judges of Assize, three Pounds at least, which Fine shall be levied by Sale of Goods, upon the Prosecution of any two Justices authoriz'd by the rest.

XVIII. A Provision for the Island of Fowlness

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n, to XIX. Upon an Action brought for the due Execution of this Act, the Defendant may plead the general Issue, and yet give special Matter in Evidence, and shall also recover treble Damages, and his Costs of Suit.

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XX. Stat. 7 Fac. 3. Money given to put out poor Children Apprentices shall be employ'd in Corporate Towns by the Corporations, and in other Places by the Parson or Vicar, together with the Constables, Churchwardens, and Overfeers of the Poor, or the most Part of them, who shall not forbear or refuse to employ the same accordingly, in Pain to forfeit five Marks each of them fo making Default, to be divided betwixt the Poor of the Parish and the Prosecutor.

XXI. The Party taking Money with fuch an Apprentice, shall give good Security by Obligation to repay it at the End of seven Years next ensuing the Date of the said Obligation, within three Months next after the End of the faid seven Years; and if such Apprentice shall die within the feven Years, then within one Year after his or her Death: And if the Master, Mistress or Dame, happen to die within the seven Years, then within one Year after their Death, fo as the Money may be employ'd in placing the Apprentice with some other of the same Trade, to ferve out his Time, at the Discretion of the Parties trufted, as aforesaid.

XXII. The Money fo given shall be employ'd within three Months after the Receipt thereof, and if there shall not be apt Persons found in the Places where it is given to be Apprentices, it shall be employ'd in the Parishes next adjoining by the Parties that are trusted with it in the Places where it was fo given, and there also Bond

shall be taken, as before is declar'd.

XXIII. The Choice of Apprentices shall be out of the poorest Sort of Children, whose Parents are the least able to relieve them, and no fuch Ch. 10. and Resolutions thereupon. 221

fuch Apprentice shall be above the Age of fif-

teen Years when he or she is first bound.

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XXIV. The Parties fo trusted, shall Yearly in Easter-week, or within one Month after, account before two or more of the next Justices of Peace. And if there be any Obligations, or Money remaining in their Hands, they shall upon such Account (or within ten Days after) deliver the same unto their Successors.

XXV. If any Officer fo trufted, shall break the Trust repos'd in him, misemploy the said Money, or do any thing contrary to this Act, the Lord Chancellor or Keeper shall, upon the Petition of any Person, award a Commission to such as he shall think fit, to enquire, hear, and determine such Offences; and if the Commissioners shall find Money so misemploy'd, they shall, in Places not Corporate, have Power to rate, raife, and collect it upon the Parties so offending; or otherwise, upon the able Inhabitants of the City, Town, or Parish so in Default, as the said Commissioners, or the greatest Part of them, shall think fit, and shall return the said Commission, together with the manner of executing the fame, into the Chancery within three Months next after fuch Execution thereof.

XXVI. Stat. 1 Fac. 25. All Persons, to whom the Overseers of the Poor shall (according to the Statute of 43 Eliz. 2.) bind any poor Children Apprentices, may take, receive, and keep them, as Apprentices: See also the same continu'd and confirm'd by 21 Jac. 28. and 3 Car. 4.

XXVII. Stat. 3 Car. 4. The aforesaid Statute of 1 Fac. 25. is again continu'd and confirm'd.

XXVIII. The Churchwardens and Overseers of the Poor (mention'd in the Statute of 43 Eliz.2.) may, with the consent of two or more Justices of the Peace, one of the Quorum, within their respective Limits, wherein there shall be more Justices of Peace than one, and where no more shall be than one, with the Assent of that one Justice, set up, use, and occupy any Trade, Mystery, or Occupation, only for the setting on Work and better Relief of the Poor of the Parish or Place

where they so bear Office respectively.

Complaint made by the Churchwardens, or Overseers of the Poor of any Parish, to any Justice of the Peace within forty Days after any Persons coming to settle in any Tenement under the yearly value of 10 l. any two Justices of the Peace, whereof one of the Quorum, may by Warrant remove such Persons to such Parish where they were last settled, either as a Native, Housholder, Sojourner, Apprentice, or Servant, for the Space of forty Days, unless they give Security to discharge the Parish, to be allow'd by the said Justices; provided Persons griev'd may appeal to the next Quarter-Sessions.

XXX. Provided all Persons may go from Place to Place to work in Harvest, carrying with them Certificates from the Minister, one Churchwarden, and one of the Overseers of the Poor of the Place where they inhabit; and such working in Harvest, or falling Sick, shall not be accounted a Settlement; and if such Person result to go, and shall not remain in the Parish where they ought to be settled, any two Justices of the Peace where the Offence is committed may send

them

Ch. 10. and Resolutions thereupon. 223 them to the House of Correction as Vagabonds,

or to the publick Work-house, there to labour.

XXXI. There shall be one or more Corpora-

tions in London and Westminster, the Counties of Middlesex and Surrey, lying within the Parishes in the Weekly Bills of Mortality, consisting of a President, Deputy-President, and Treasurer; and the Lord-Mayor, President, and Aldermen, to be Assistants of the Corporation, or Work-houses of London, and sifty-two Citizens to be chosen by the Common-Council of the said City, who may elect a Deputy-President and a Treasurer, and other Officers, for Execution of this Act.

XXXII. A Prefident, and Deputy-Prefident, and Treasurer, and Affishants for the City of Westminster, to be chosen by the Lord Chancellor,

or Lord Keeper.

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XXXIII. Justices of the Peace of Middlesex and Surrey respectively, in their Quarter-Sessions, may chuse Presidents, Deputy-Presidents, Treasurer, and Assistants for their respective Corporations and Work-houses; and the Officers to give Accounts in Writing at every Quarter-Sessions.

XXXIV. The faid respective Presidents, &c. incorporated, may sue, plead, or be sued, by the Name of President and Governours for the Poor of the said respective Places; and every of the said Corporations may purchase or have Lands not exceeding the Value of 3000 l. per Annum without License.

XXXV. The faid respective Corporations, or any seven of them, have Power to meet and keep Courts for the Purposes in this Act express'd, at such Time and Place, as the President, his Deputy, or the Treasurer, shall appoint, who are

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to warn a Court at the Defire of any four of the faid Corporation, and have Power to appoint a common Seal for the Use of the said Corporation.

XXXVI. The respective Presidents and Governors of the faid Corporations, or two of them, or any Person appointed, may apprehend Rogues, Vagrants, sturdy Beggars, or idle and diforderly Persons, within their respective Limits and Places, and cause them to be set and kept to Work, and the Justices of the Peace in their Quarter-Sessions may fignifie the Names of fuch Rogues, Vagrants, &c. to the King's Privy-Council, as they shall think fit to be transported to English Plantations; upon Approbation of which to the faid Justices fignify'd, any two of the said Justices may cause them to be transported from Time to Time, during the Space of three Years next enfuing the End of this present Session of Parliament, to any English Plantation beyond Sea, there to be dispos'd as Servants, for a Term not exceeding feven Years.

XXXVII. Upon Certificate from the respective Corporations of Want of Stock to the City of London, the Common Council of the said City, and respective Justices at the Sessions, may afcertain a Sum not exceeding a Rate of one Year's Proportion to the Poor. And thereupon the Aldermen, Deputies, and Common Council-Men, of every Ward in London, and the Burgesses and Justices of the Peace in Westminster, and Justices of the Peace in Middlesex and Surrey, shall equally rate the Inhabitants; and at and upon Complaint by any Person of being unequally rated, he may be

relieved at the next Quarter-Sessions.

XXXVIII. Any Alderman of London, or his Deputy, or the Burgesses and Justices of the Peace

Ch. 10. and Resolutions thereupon. 225 of the City of Westminster, and Liberties thereof, or any two Justices of Peace of Middlesex and Surrey, by Warrant under their Hands and Seals, may authorize the Churchwardens or Overfeers for the Poor to demand and gather the feveral Sums affels'd; and for Default of Payment within ten Days after Demand, or Notice left in Writing at the Dwelling house or Lodging of the Persons asses'd, to levy the same by Distress and Sale of their Goods, refloring the Overplus to the Party diffreined.

XXXIX. All Stocks formerly raised for the Poor, and in the Hands of a Corporation for the Poor in London, shall be paid to the Treasurers of the said Corporation made by this Act; and all that have any Stocks or Lands in their Hands for that Purpose, shall be accountable to the said Treasurers, or such as shall be appointed by them, or any feven of them; provided all just Expences

be allowed them.

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XL. The respective Presidents and Governors, or feven of them, may make Orders and By-Laws, for relieving, regulating, and fetting the Poor to work, apprehending and punishing Rogues and Vagabonds within their feveral Limits, provided the faid By-Laws be prefented to, and confirm'd by, the Justices of the Peace at

their Quarter-Seffions.

XLI. The President and Governors, or any fourteen of them, may chuse and entertain Of ficers, and others needful to be employ'd, about the Stock or Revenue belonging to the Corporation; and all Sheriffs and Officers to be aiding to them in the Execution of the Powers by this

Act.

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XLII. Two Justices of the Peace may appoint and swear New Constables, Headboroughs, &c. in case of Death, or Removal of such Officers out of the Parish; and if for want of holding Leets they continue above the Year, they may be discharged at the Sessions, and others put in.

XLIII. Every Justice of Peace may reward any Persons that apprehend and bring before them any Rogue, Vagabond, or sturdy Beggar, by granting an Order or Warrant under his Hand and Seal to the Constable of the Parish which such Rogue, &c. pass'd through unapprehended, for Payment of 2 s. for every Rogue so apprehended, and upon Default of Payment to proceed against such Defaulter according to the Statute of 1 fac. cap. 7. and to allow out of the said Forseiture the said 2 s. and Allowance for Loss of Time, as they shall think sit.

Vagabond, or sturdy Beggar, at the Confines of any County, which pass'd thro' another County unapprehended, he may go to some Justice of the Peace of the County thro' which such Rogue or Vagabond pass'd unapprehended, who (upon Certificate under the Hand of some Justice of the Peace of the County where such Rogue was apprehended) shall grant his Order or Warrant under his Hand and Seal to the Constable, to pay unto such Persons 25. and what he thinks sit for Expences and Loss of Time, and upon Resulal, to proceed against such Constable for the Forseiture by the Statute of 39 Eliz. c. 4.

XLV. Constables, Headboroughs, and Tything-men out of Purse, with the Churchwardens and Overseers of the Poor, and other Inhabitants of the Parish, may make Rates upon all

Occupiers

Ch. 10. and Resolutions thereupon. 227

Occupiers of Lands, and Inhabitants, and all others chargeable by the Statute of 43 Eliz. to the Poor, which being confirmed under the Hands and Seals of two Justices of the Peace, may be levied by their Warrant, by Distress and

Sale of the Refuser's Goods.

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XLVI. Putative Fathers of Bastard-Children, leaving their Children upon the Parish oftentimes, the Churchwardens and Overseers for the Poor of the said Parish where the Child is born, may seize and take so much of the Goods and Chattels, and of the Rents and Profits of the Lands of such reputed Fathers or Mothers, as shall be ordered by two Justices of the Peace, for and towards Discharge of the Parish, for providing for such a Bastard; and by Order of the Sessions may sell the said Goods, or so much thereof as the Court shall think sit, and so much of the Rents and Profits of the Lands for the said Purposes.

XLVII. The Defendant fued for any Thing done upon this Act, may plead the general Issue, and upon Verdict for him, Nonsuit, or Discon-

tinuance, shall recover treble Damages.

XLVIII. The Poor of the Counties of Lancaspire, Chesbire, Derbyshire, Yorkshire, Durham, Cumberland and Westmorland, and other Counties of England and Wales, shall be maintained, and set on work within their respective Parishes, according to the Intent of this Act, and in case of Default, the several Penalties herein to be incurr'd: And the Justices of the Peace in the said Counties may execute all Powers there, under the like Penalties as in the Statute of 43 Eliz. c. 2. to be levied as therein mentioned.

XLIX. Proviso, impowering the Justices of the Peace in their Quarter-Sessions to transport convicted Rogues, Vagabonds, and sturdy Beggars, to English Plantations beyond the Seas.

L. Proviso, for faving the Franchises and Liberties of the Dean and Chapter of Westminster; and this Act, as to all Matters (except what relates to the Corporations) to continue till the End of the first Session of the Parliament after the 29th of May, 1663, and no longer.

By Stat. 22 and 23 Car. 2. c. 18. 'tis Enacted, That the Officers of the Corporations erected and conflituted in Pursuance of the Act 14 Car. 2. cap. 12. Shall make quarterly Accounts to the Justices of the Peace, and are not to raise any more Money upon new Certificates, till there be a just Account given to and allowed by the Justices of Peace aforesaid. Debts contracted for the Uses express'd in the said Act, shall upon Order from the Justices aforesaid be discharged by the respective Treasurers, and allowed in their Accounts.

No Sums to be levied upon any of the faid refpective Parishes, shall in one Year exceed the fourth Part of the Assessment to the Poor for that Year; which Sums shall be paid at two several Payments to the Treasurers, viz. at Michaelmas and the Annunciation, or within fourteen Days after.

No Affessment shall be laid on any of the Parishes aforesaid, after the 29th of September,

1675.

Nothing herein contained shall alter or vacate any of the Powers given, by the former Act, to the Lord Mayor and Governour for the Corporation Ch. 10. and Resolutions thereupon. 229 ration within London, or the Parish of St. Margaret's Westminster.

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By Stat. 1 Jac. 2. cap. 17. The Act of 13 & 14 Car. 2. entituled, An Act for the better Relief of the Poor of this Kingdom, (except what relates to the Corporations thereby constituted,) shall be in Force from the first Day of this present Session of Parliament for seven Years, and from thence to the End of the next Session of Parliament.

And whereas poor Persons at their first coming to a Parish, do commonly conceal themselves, the forty Days intended by the said Act to make a Settlement, shall be accounted from the Time of their Deliveries of Notice in Writing of their Houses of Abode, and the Number of their Family, if they have any, to one of the Churchwardens or Overseers of the Poor of the said Parish.

Reviv'd as to what relates to Settlements of Poor, per 3 & 4W. & M. Seff. 3. c. 11. Which is in this Treatife fet forth at large at the End of Chap. 7.

Continued to all, except what relates to Corporations per Stat. 4 & 5 W. & M. Seff. 4. c. 24. Seft. 11.

By Stat. 5 Annæ, cap. 34. An Act for continuing the Laws therein mention'd, relating to the Poor, &c.

That the Act of 13 & 14 Car. 2. cap. 12. for the better Relief of the Poor of this Kingdom, which by 3 & 4 W. & M. cap. 11. (as to what related to the Settlement of the Poor, was Enacted to be in Force from May 1. 1691. but no Continuance thereby made, as to divers other Parts of the faid Act, which said Act, for the better Relief of the Poor.

230 Statutes relating to the Poor, Ch. 10.

Poor, &c. as to all Parts not continued by the faid A& of 3 & 4 W & M. (except what relates to Corporations) mention'd in the faid A& for the better Relief of the Poor, was by 4 & 5 W. & M. cap. 24. continued for the Space of seven Years from Febr. 13. 1692. and from thence to the End of the next Session of Parliament; which said A& by 11 & 12 W. 3. cap. 13. was continued for seven Years, from 29 September 1700, shall be in Force from 25 March 1707, (except what relates to the Corporations therein mentioned, and thereby constituted) for seven Years, and from thence to the End of the next Session of Parliament.

Vagabonds, Rogues, Beggars, and poor People.

Stat. 39 Eliz. 4.

I. Justices of Peace within every County and Corporation, have Power in Sessions to give Order for Erection of Houses of Correction, and also for the Maintenance and Government of the same; and for the Punishment of Offenders,

which shall be thither committed.

II. All Scholars and Seafaring Men which beg; All wandering Persons which either beg, use unlawful Games and Plays, seign themselves to have Skill in Physiognomy, Palmistry, or the like, or pretend to tell Fortunes; All Persons that are, or pretend to be Collectors for Gaols, Hospitals, &c. All Fencers, Bearwards, common Players, and Minstrels wandering abroad, other

Ch. 10. and Refolutions thereupon. 231 other than such as shall be authorized by Noblemen, under their Hands and Seals; All Jugglers, Tinkers, Pedlars and Petty-Chapmen wandering abroad; All Labourers which wander and refuse to work for Wages reasonably tax'd, having no Living otherwise to maintain themselves; All Persons deliver'd out of Gaols, which beg for their Fees, or otherwise do travel begging; All which wander abroad begging, pretending Loss by Fire, or otherwise; And all such Persons (not being Felons) wandering, and pretending themselves to be Egyptians, shall be adjudged Rogues, Vagabonds, and sturdy Beggars.

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III. If any fuch Vagabond shall be taken begging, wandering, or mifordering him or herfelf, he or she, by the Appointment of any Justice of Peace, Constable, Headborough, or Tything-man there, (the two last being affished by the Minister, and one other of the Parish) shall be stripped naked from the Middle upwards, openly whipped till their Body be bloody, and forthwith fent the next Way from Parish to Parish, by the Officers of each Parish, towards the Place of their Birth: But if it cannot be known, then towards the Place where they dwelt, by the Space of one whole Year before such Punishment; and if that cannot be known, then to the Town thro' which they last pass'd without Punishment; and if it cannot be discovered where they were born, or last dwelt, as aforefaid, then are they to be conveyed by the Officer there to the House of Correction, or common Gaol of the County, to be employed in Work, or placed in some Service, and fo to continue by the Space of one Year; or in case they be not able in Body, that Town

Town is to keep them till they may be placed in fome Alms-house within the same County.

IV. After which Whipping, the Vagbond shall have a Testimonial under the Hand and Seal of the said Justice, Constable, Head-Officer, Tything-man and Minister, or any two of them, testifying the Day and Place of his Punishment, the Place to which he is to be conveyed, and the Time limited for his Passage thither; which Time, if by his own Desault he exceeds, he shall from Time to Time incur the like Punishment, till he arrive at the Place limited; the Substance of which Testimonial shall be registred by the said Minister, in a Book provided for that Purpose,

in Pain of 5 s.

V. If any fuch Rogue feem dangerous, or will not be reformed, two Justices of the Peace, (one of the Quorum) shall commit him to the House of Correction; and if at the next Quarter-Seffions, by the more part of the Justices there he shall not be thought fit to be delivered, he shall by them be banish'd, and at the Charge of that County. shall be conveyed to such Parts beyond the Sea, as shall, by fix or more of the Privy Council for that Purpose be assign'd, whereof the Lord Keeper or Treasurer to be one; otherwise adjudg'd to the Gallies of the Realm, as the faid Justices shall think fit: And if a Rogue so banish'd return without Licence, he shall suffer as a Felon, to be try'd in the County where he shall be apprehended.

VI. If a Constable, Headborough, or Tythingman, be found negligent in the due Execution of this Act, they shall forfeit 10 s. for every Default; and none shall make Rescous against any Officer,

Ch. 10. and Resolutions thereupon. 233 or hinder the Execution of this Law, in Pain of 5.1. and to be bound to the Good Behaviour.

VII. None shall transport such a Rogue out of Ireland, Scotland, or the Ise of Man, (being born in any of these Places) in Pain to forseit 205. to the Use of the Poor where he lands: And if any then shall be hereafter found in England or Wales, they shall suffer Punishment, and be conveyed the next Way home, as aforesaid, or (in case they came by Sea) to the Place where they landed, from whence they are to be transported, at the Charge of that County, to the Place from whence they came.

VIII. No impotent poor Person shall pass to the Bath or Buxton, without being licensed to pass, by two Justices of Peace where they dwell, and provided with Relief, both for their Journey and Abode there, and shall also return within the Time limited by their Licence, in Pain to be reputed and punished as Rogues: And the City of Bath, or Town of Buxton, shall not be charge-

able with any fuch.

IX. Justices of the Peace of the Counties shall not intermeddle in Cities or Corporations, but only the Officers of the same, who shall have like Power there, as the said Justices have in

Counties.

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X. This Act shall not extend to restrain the Power which the City of London hath in the Government of St. Thomas's Hospital in Southwark, or to prejudice any Jurisdiction or Inheritance of John Dutton of Dutton, in the County of Chester Esquire.

XI. The Forfeitures and Fines which shall accrue by this A& (other than that above otherwise limited) shall be employed for the Mainte-

nance

nance of Houses of Correction, or the Relief of the Poor where the Offence shall be committed, at the Discretion of the said Justices of Peace, and may be levied by Warrant under the Hands and Seals of two Justices of Peace, by Distress and Sale of Goods. And here the Confession of the Offender, or Proof by two Witnesses before two such Justices, shall be sufficient Conviction.

XII. Two Justices of Peace (one of the Quorum) shall have full Power to hear and determine all Causes which may come in Question by

reason of this Act.

XIII. The Lord Chancellor or Keeper for the Time being shall have Power to make Commissioners, to enquire of Money given towards the Erection or Maintenance of Houses of Correction, Stocks for the Poor, or other such like Uses.

XIV. A Seafaring Man suffering Shipwreck, not having wherewithal to relieve himself, and having a Testimonial under some Justice of Peace his Hand and Scal near the Place where he landed, declaring the Time and Place of his Landing, the Place of his Dwelling or Birth, unto which he is to pass, and the Time limited for his Passage, may in the direct Way home, and within the Time so limited for his Passage, ask and receive necessary Relief without incurring the Penalties of this Act.

XV. This Act shall not extend to Children under seven Years old, nor to Glassmen, which travel without begging, by Licenses under the Hands and Seals of three Justices of Peace (one of the Quorum) of the County thro' which they

travel.

Ch. 10. and Resolutions thereupon. 23.5

XVI. Stat. 39. Eliz. 17. Wandering Soldiers and Mariners, and all others wandering as Soldiers or Mariners, which will not fettle themfelves to work, or have not a Testimonial under the Hand of some one Justice of Peace near the Place of their Landing, setting down the Place where they landed, the Place whither they are to pass, and the Time of their Passage; or having a Testimonial, exceed the Time therein limited above sourteen Days, or counterfeit a Testimonial, or produce one which they know to be counterfeit; shall in all these Cases suffer as Felons, without Benefit of Clergy.

XVII. Justices of Assize, Gaol-Delivery, and of Peace, in their Sessions, have Power to proceed against these Offenders, as in Case of Felony, without Clergy; unless some sufficient Man (allowed by the Justices) will enter into Recognizance of 10 l. to the Queen, to retain the Offender for one whole Year, and to bring him to the next Sessions of Peace, and Gaol-Delivery after the Year ended. And if he within the Year depart that Service without Licence, he shall after-

wards fuffer as a Felon without Clergy.

XVIII. Soldiers and Mariners, which fall fick in their Passage home, shall be excus'd, tho' they exceed the Time limited in their Testimonial, so that they perform this Act in convenient Time

after their Recovery.

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XIX. If when they come Home they cannot get Work, the two next Justices (upon their Complaint) shall take Order, that they may be provided of Work, or otherwise shall tax the whole Hundred for their Relief, until Work may be had.

XX. The Soldier or Mariner (licensed by a Justice of Peace to whom he shall make his Poverty known) having not wherewith to bear his Charges Home, may ask and take Relief, so it be in his direct Way Home, and within the Time limited by his Licence.

XXI. These Offences shall cause no Corrupti-

on of Blood.

XXII. Stat. 1 Jac. 7. Noble Personages shall authorize none to go wandering abroad; and Glass-Men shall be reputed and us'd as Rogues,

notwithstanding the Statute of 39 Eliz. 4.

XXIII. Instead of banishing an incorrigible Rogue, or committing him to the Gallies, (as was ordained by 34 Eliz. 4.) he shall in open Settions be branded in the left Shoulder with a Burning-Iron, having a great Roman R upon it as broad as a Shilling, and from thence shall be sent to the Place of his last Dwelling; if that cannot be known, to the Place of his Birth: After which Time if he offend again, he shall suffer as

a Felon, without Benefit of Clergy.

XXIV. Every Person that seeth or knoweth any Rogue to beg, shall convey, or cause him to be conveyed, to the next Constable or Tythingman, in Pain of 10 s. to be levy'd and employ'd as the Forseitures of 39 Eliz. 4. and in Default thereof, then by the Lord of the Leet, or his Officer in like Manner as the Persons authorized by the said Statute should have levyed and employ'd the same. And here also, if the Constable or Tything-man do not punish him according to that Statute, he shall forseit 20 s. to be also levyed and employed as by the same Statute is appointed.

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By Statute 11 & 12 W. 3. c. 18. 'tis enacted,

1. That if any Vagabond, Beggar, &c. be brought to any Constable, or other Officer, with a Pass, or other Writing, to be relieved or conveyed; such a Vagabond, &c. shall be taken by the Constable before the next Justice of Peace, who shall carefully examine such Persons, and, as the Case requires, either send them to the House of Correction, or to such Town of the next County as he shall think most proper, giving the Constable a Certificate of the Persons so ordered to be punished or conveyed, with the Manner how and when, and whence conveyed, and with what Assistance.

II. And the faid Justices shall tax the Allowance to the Constable on the Back of such Certificate, which being deliver'd to the chief Constable, he is to pay it out of the Gaol and Marshalsea-Money, delivering the Receipt for it to the Treasurer of the County, who shall discount the same, and be allowed it on his Treasurer's Account: And if the Gaol and Marshalsea-Money have not a Surplus, the Justices at the Quarter-Sessions shall raise the Money as they do for Gaols and Bridges, and pay the chief Constable a Quarter's Payment before-hand for the said Purposes.

III. But the Petty-Constables shall not charge the Place, &c. for such Relief or Conveyance.

IV. Constables neglecting their Duty, or to apprehend such Vagabonds or wandering Beggars, shall forfeit 20 s. one fourth to the Informer, and three Fourths to the Poor, to be levyed by Warrant of any Justice of Peace on the Oath of one Witness

V. This Act to continue for three Years from the 24th of *June*, 1700. and thence to the End of the next Sessions of Parliament.

VI. The feveral Ridings, Divisions of Counties, Liberties and Towns Corporate, shall be taken as Counties at large in the Execution of this Act.

VII. A Clause touching the Hospital of Trinity-House in Kingston upon Hull. Vide the several Statutes of 12 Ann. c. 18. 1 Geo. c. 8. and the 9 Geo. at the End of the Book.

The Resolutions of the Judges concerning Rogues, &c. set forth in the second Book of Mr. Lambard, Ch. 7. p. 207, &c. To which the Lord Coke, in 2 Inst. 735, doth refer, which Mr. Lambard there saith were ascribed to his Majesty's Justices at Westminster.

Thus (faith he) they stand in my Copy,

I. A Rogue affirmeth, that he was born in such a Town in such a County; then ought he to be sent thither, if it may not otherwise appear that he was born elsewhere: And if he were not born there in Truth, that he is to be said an incorrigible Rogue, and is to be sent thence to the House of Correction in the County to which he is sent; and if there be none there, then to the Gaol, until the next Sessions, there to be dealt with according to the Statute.

II. The

Ch. 10. and Resolutions thereupon. 239

II. The same Course is to be observed, if it appear not where he was born, or if he untruly affirm, that he was last dwelling in such a Town in such a County, by the Space of a Year, and was not.

III. If the Husband and Wife have a House, and the Husband or Wife rogue about, they ought to be sent to the Town where that House

is: And so of an Inmate.

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IV. The Wife and Children (under seven Years of Age) being vagrant, must go and be placed with the Husband. If the Husband be dead, then with the Wife where she was born or dwelt: And the vagrant Children (above seven Years of Age) must be sent to the Place of their Birth: And if the vagrant Parents with their Children (under seven Years) be placed at the Place of Birth of their Parents, or at the Place of last Dwelling, (as the Case shall fall out) if afterwards the Parents or either of them die, or run away, yet the Children once settled must remain there still, and may not be sent to their Place of Birth, though after they grow above the Age of seven Years.

V. The Wife being a vagrant Rogue, ought to be fent to the Husband, tho' he be but a Servant

in another Town.

VI. If the Rogue, whose Place of Birth or Dwelling cannot be known, hath a Wife, and Children under seven Years of Age, they must go with the Husband to the Place where they were last wilfully suffered to pass without Punishment; where the Children must be relieved by the Work of their Parents, tho' the Parents be committed to the House of Correction.

VII. If any (not being Rogues) shall travel with their Children through a Town, and the Father or Mother die, or run away, the Town is not bound to keep them where they die, nor to fend them away, but only in Charity, except they become wandering Beggars.

VIII. If the Parents be able to work, and may have Work, they are to find their Children by their Labour, and not the Parish; but if they be overburthen'd with Children, it shall be a very good Way to procure some of them to be placed

Apprentices according to the Statute.

IX. No Man is to be put out of the Town where he dwelleth, nor to be fent to their Place of Birth, (or last Habitation) but a vagrant Rogue, nor to be found by the Town, except the Party be impotent, but ought to set themselves to Labour, if they be able, and can get Work; if they cannot, the Overseers must set them to Labour: And so of them that have or shall have Houses, when their Estates be expired, and Servants whose Time of Service is ended, tho they cannot get Houses: For they must provide themselves Houses a-new, if they be not impotent.

X. Such Perfons as be of any Parish, and have able Bodies to work, and be no Wanderers abroad out of the Parish, though they refuse to work at such Wages as are tax'd (or commonly given) in those Parts, are notwithstanding not to be sent to the Place of their Birth or last Dwelling, by the Space of a Year, but to the House of Correction, upon Consideration had of both the Statutes of the Poor and Rogues. But if they have any lawful Means to live by, tho' they be

Ch. 10. and Resolutions thereupon. 241 of able Bodies, and refuse to work, yet are they not to be sent to the House of Correction.

XI. Such as will remove or put any out of their Parish that be not to be put out, this is against the Statute concerning the Relief of the Poor, and finable: And if any have been so sent,

they may be fent back again.

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XII. If any be fent to a Town whereto he ought to be fent, and is refused, (being a sturdy or an impotent Rogue,) the Persons resusing shall forfeit five Pounds; and he that is so to be sent, is to be offered to the Churchwardens and Overfeers.

XIII. To fend the Rogues by a General Paffport, without conveying them from Parish to Parish, is a Let to the conveying of Rogues according to the Statute, and so a Forseit of five Pounds upon them. And to go with such a Passort, is but still to continue a Rogue, to be punished by Whipping.

XIV. If the Officer will not receive a Rogue, to convey him to the Place where he was born (or dwelt) this is a Forfeiture of five Pounds in the Officer, that shall not receive the Party to

convey him or her over.

XV. None may be fuffered to take Relief at any Man's Door, tho' within the same Parish, unless it be by the Order of the Overseers, according to the Statute; neither may any be suffer'd to beg by the Highways, though in their own Parish.

XVI. By this Word [Parents] is understood a Father or a Grandfather, Mother or Grandmother, being Persons able.

XVII.

XVII. Within the Word [Children] is included any Child or Grandchild, being able. Vide Stat. 43 Eliz. c. 2.

XVIII. Parsons or Vicars, &c. be bound (as Inhabitants) to the Relief of the Poor, as well as

others that inhabit within the Parish.

XIX. Every one that hath Tithes impropriate, Coal-mines, or Lands in manual Occupation, &c. is chargeable; and fo for such as have saleable Woods, proportioning the same to an annual Benefit.

XX. If there be but one Churchwarden in the Parish, he sufficeth with the other four Over-

feers.

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the verOther Resolutions of the Justices of the Assizes, 1663. Set at large in Dalton's Justice of the Peace, last Edit. to which this Treatise and others oftentimes refer.

I. Of inforcing Persons able to take Apprentices.

R. THAT the Statute of 43 Eliz. which faith, That Churchwardens and Overseers of the Parish shall put out Children to be Apprentices, necessarily implieth, that such as are sit must receive Apprentices; and the putting out poor Children to be Apprentices, is one of the best Ways for the providing for the Poor.

II. Of giving Money with Apprentices.

R. There is no Necessity that Money must be given, but that must be left to the Discretion of the Churchwardens and Overseers, all Circumstances of Age and Ability being consider'd; and if they cannot agree with the Party, then the Justices of Peace near adjoining, or, in their Default, of the Sessions of Peace, are to determine these Controverses.

III. What Persons are bound to entertain Apprentices.

R. Every Man who by Calling or Profession, or Manner of Living, that entertaineth, and must have Use of other Servants of the like Quality, must entertain such Apprentices, wherein Discretion must be given upon due Consideration of Circumstances.

But Note, This is since otherwise adjudg'd.

IV. Whether a wealthy private Person may be inforc'd to take such an Apprentice?

R. For the receiving of such Apprentices, the Answer may be referred to the Question next before: But out of Doubt, every such Person must contribute to the Charge, as to other Charges for the Provision for the Poor.

V. When fuch Apprentices may be put unto other Parishes?

K. The Justices may provide Masters for them in other Parishes within the same Hundred; if the same Hundred be not able, then out of that Hundred in the rest of that County, as for other Provision for the Poor, which must be at a Quarter-Sessions.

VI. Of Persons refusing to take such Apprentices.

R. If any refuse, let such a one be bound over to the Sessions, or Assizes; if he resuse to give such Bond, let him be sent to the Gaol, there to remain until he shall give such Bond.

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to 148 VII. What if he shall refuse at the Sessions, and what if the Parents refuse, &c.

R. If at the Sessions or Assizes such a one refuseth to take an Apprentice, and his Excuse be not allow'd, it is fit he be bound to the Good Behaviour; and it will be a good Course to indict fuch a Refuser for a Contempt, and thereupon to fine and imprison him: If he refuse to be bound to the Good Behaviour, let him be imprison'd till he will; and the King's Book of Orders directs, That such be bound with good Sureties to appear at the Council-Board: And if the Parents of fuch poor Children refuse to suffer their Children to be bound Apprentices, or being bound entice them away, themselves not being able to maintain them, let them be committed to the House of Correction.

VIII. Is concerning mitigating Fines at the Sefsions, upon the Submission of the Party indicted.

And allowed they may impose a moderate Fine.

IX. Is to the like Purpose upon the Party's confessing the Fact.

A like Answer.

X. This is concerning a Discharge of all, or part of the Forfeiture upon a Conviction for Drunkenness, Tippling, &c.

Answer'd in the Negative.

XI. This is concerning a Constable's breaking open an unlicens'd Ale-house, upon a second Conviction, to apprehend the Party.

R. This Question is to be advised upon, &c. in the Particular where it appeareth.

XII. Of the Settlement of a Woman gotten with Child.

R. The Place where fuch a Woman was lawfully fettled, is the Direction in this Case, not where she was begotten with Child.

XIII. A Woman gotten with Child, if her Master is to provide for her till her Delivery?

R. If the Master has legally discharg'd his House of such a Servant, he is no more bound to provide for her than any other.

XIV. Whether the Tenants in ancient Demessive within a Parish shall contribute with the Guildable for Relief of maimed Soldiers, &c.

R. The Statute doth not distinguish between the Ancient Demesse and the Guildable: In these Cases, Ubi lex non distinguit, ibi nec nos distinguimus.

XV. Concerns an Indictment of Forcible Entry to be removed by Certiorari.

R. 'Tis fit to be left to the Court of B. R.

XVI. This relates to driving Cattle on the Sunday, &c.

R. But one Forfeiture of 20s. tho' he drives thro' feveral Parishes.

XVII. Con-

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XVII. Concerning Persons able not putting themselves to Service after Warning.

R. Such Persons being out of Service, and not having visible Means of their own to maintain themselves without their Labour, and refusing to serve as an hired Servant by the Year, may be bound over to the next Sessions or Assizes, and to be of the Good Behaviour in the mean Time, or may be sent to the House of Correction.

XVIII. Taxes for the Poor, how to be made according to the Statute.

R. The Land within each Parish is to be tax'd to the Churches, in the first Place equally and indifferently; but there may be an Addition for the personal visible Ability of the Parishioners within the Parish, according to good Discretion, wherein if there be any mistaking, the Sessions, &c. or the Justices, may judge between them.

XIX. Whether Shops, Salt-pits, Profits of a Market, &c. be taxable to the Poor, as well as Lands, Coal-Mines, &c. express'd in the Statute 43 Eliz.

R. All Things which are real, and a yearly Revenue, must be tax'd to the Poor.

XX. Tax for the County-stock, Gaol, and House of Correction, how to be made.

R. If the Statutes in particular Cases give no special Direction, it is good Discretion to go according to the Rate of the Taxation for the Poor; but when the Statutes themselves give Direction, sollow that,

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XXI. Tax

XXI. Tax for the Charges of Petty Constables.

R. It is fit to relieve the Constable and Tything-men, in such Sort as hath been used in the several Places where they live.

XXII. Concerning a Justice's discharging a Woman-Servant with Child out of her Service.

R. If a Woman, being with Child, procure herself to be retained with a Master, who knoweth nothing thereof, this is a good Cause to discharge her from her Service; and if she be gotten with Child during her Service, it is all one: But the Master in neither Case must turn away such a Servant of his own Authority. But if her Term be ended, or she lawfully discharged, the Master is not bound to provide for her; but 'tis a Misfortune laid upon the Parish, which they must bear, as in other Cases of casual Impotency.

XXIII. Bastard-Children, how to be dispos'd.

R. The Bastard-Child must be placed with the Mother, so long as it is within the Quality or Condition of a Nurse-Child, which shall be till seven Years of Age, and then it is sit to be sent to the Place of its Birth to be provided for, the Mother or reputed Father not being able. And the Parish where the Child is born shall not be forced to contribute to the Charge as long as the Mother lives, and the Child be under seven Years old.

XXIV. If illegal Unsettlement is to be allowed?

R. If a Man or Woman having House or Habitation in one Parish be thrust out, this is an Illegal Unsettling, which the Law forbiddeth; for none must be inforc'd to turn Vagrant: And such one must be return'd to the Place where he or she was last lawfully settled, and the Child also in the Time of this Distraction.

XXV. Upon an Apprentices being put out in another Parish, where the Master dies.

R. Servants and Apprentices are by Law setled in that Parish; and if they become impotent there, the Parish must abide the Adventure after their Term or Time of Service be lawfully ended.

XXVI. What is accounted a lawful Settling in a Parish, and what not.

R. That every one who is settled as a Native, Housholder, Sojourner, an Apprentice, or Servant, for a Month at the least, without a just Complaint made to remove him or her, shall be held to be settled.

Note, This is fince alter'd by feveral Statutes

XXVII. Upon a Rogue's misconfessing the Place of His Birth or Habitation, and being whipp'd, and sent to S. his Birth is there known to be at W.

R. In this Case it is fit to send such a Rogue to the Place of his Birth; for this at S. is but a mistaken, and no legal Settling.

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XXVIII. In what the Gaol may be delivered at the Seffions.

R. Of Petty Larcenies and Petty Felonies.

XXIX. Constable elect refuseth his Oath, &c.

R. 'Tis a Contempt finable, and a Deputy is rather by Toleration than by Law.

XXX. Constable dying, how to be supplied.

R. By the Lord of the Leet, Sessions, or next Justices.

XXXI. Constable unfit, how to be removed.

R. The Justices may help it, and 'tis a Cause to seize a Lord's Liberty.

XXXII. Concerning a Nurse-Child, Scholar, Bastard in a Gaol, Houses of Correction.

R. A Nurse-Child, or a Scholar at the Grammar-School, or at the University, or Persons sent to the Common Gaol, Hospital, or House of Correction, are not to be esteemed as Persons to be settled there, more than Travellers in their Inns; but their Settling is where their Parents are settled. And Children born in common Gaols, and Houses of Correction, their Parents being Prisoners, are to be maintain'd at the Charge of the County.

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XXXIII. What Proportion shall Parsonages or Tithes bear to the Taxation of the Poor of the Parish.

R. The Parson or Vicar Presentative, shall bear according to the reasonable Value of his Par-

Ch. 10. and Resolutions thereupon. 251 Parsonage, having Consideration to the just Deductions.

XXXIV. Whether poor Men not to be removed may be placed as Inmates for a time?

R. They may by express Words of the Statute of 43 Eliz.

XXXV. Concerning what Relief upon the bringing of Strangers into the Parish by a Parishioner.

R. By taxing such an one to the Charge of the Rates of the Poor, not only having respect to his Ability, or the Lands he occupies, but according to the Damage and Danger he bringeth to the Parish by his Folly.

XXXVI. Concerning Warding in the Day-time for apprehending Rogues.

R. Warding in the Day-time is of great Use, and must be left to the Discretion of the Constables, or Directions of the Justices, to vary according to the Occasion.

XXXVII. Concerning moderating the Number of Ale-houses.

And approved to be moderated.

XXXVIII. If one procure kimfelf the King's Servant Extraordinary, to avoid Constable.

R. A Servant Extraordinary may well perform his Ordinary Service in the Country, according to his Quality.

Note.

Note, The Publisher of this last Edition of Dalton, Page 161, says, The Authority of these Resolutions are not very great, being only put to Judge Heath in the Circuit, and that he brought them into Serjeants-Inn Hall; but the Judges there differing in Opinion from him in many Things, they never came to any Resolution, and so they were no more than his own Private Opinion.

Vagabonds.

Stat. 7 Fac. 4.

I. There shall be an House of Correction provided in every Shire, to set Rogues and

other idle People to Work.

II. The Justices in Sessions shall from Time to Time appoint a Governour for the said House, who shall have Power to set such Rogues and idle People to Work, and to punish them by moderate Whipping, or putting Fetters and Gyves on them; which Rogues and idle Persons shall not be chargeable to the Country, nor have other Allowance than what they shall deserve by their own Labour.

III. The faid Justices shall, at least twice every Year within their several Divisions, (and oftner if need be) assemble and meet together for the better Execution of this Statute; and some four or five Days before their meeting, shall by Warrant command the Constable and Tythingmen of every Hundred, Town and Hamlet, (be-

ing

Ch. 10. and Resolutions thereupon. 253 ing affished with other sufficient Men) to make a general Privy Search in one Night within their several Precincts, for the finding and apprehending of Rogues, &c. and such as shall be found, to bring them to the said Meeting to be examined, punished, or sent to the House or Houses of Cor-

rection, there to be fet to Work.

IV. The faid Constables and Tything-men shall appear at the said Meeting, and there give an Account upon Oath in Writing, under the Master's Hand, testifying the Rogues, &c. they have taken in the last Search, or since the last Meeting, and how many have been punished, or otherwise sent to the House of Correction. Which if they neglect to do, or safely to convey such to the House of Correction, as by the said Justices Warrant shall be committed thither, they shall incur what Fine the said Justices shall please to set upon them, so it exceed not 40 s.

V. The Governours of the Houses of Correction shall have such a Sum of Money yearly as shall be thought fit by the more Part of the Justices of Peace in Sessions; the same to be paid Quarterly beforehand by the Treasurers of the County, the Governours giving Security for their

Continuance in the faid Service.

VI. If any lewd Woman have a Bastard which may be chargeable to the Parish, the Justices of Peace shall commit her to the House of Correction, there to be punished, and set to Work one whole Year: And if she offend again, then she is to be committed again, there to remain till she put in good Sureties for the Good Behaviour, and not to offend so again.

VII. Persons running away, and leaving their Charge to the Parish, shall be deemed and pu-

nished

nished as incorrigible Rogues: And those that threaten so to do, (it being proved by two Witnesses upon Oath before two Justices of the Peace of the same Division) shall be by the same Justices sent to the House of Correction, there to be punished as sturdy Rogues, (unless they put in sufficient Sureties to discharge the Town) and not to be delivered but at such a Meeting as aforesaid, or in open Sessions.

VIII. If the Governours shall not every Quarter-Sessions yield to the said Justices a true Account of all such Persons as shall be committed to their Custody; or if they suffer any within their Charge to make Escape, or to be trouble-some to the Country by going abroad, or otherwise, they shall incur what Fine the same Justices in Sessions shall think fit to impose upon

them.

IX. All Fines which shall accrue by this A&, (other than those already limited) shall be paid to the Treasurers of the County and by them be accounted for.

By Stat. 11 & 12 W. 3. ca. 18. If any Vagabond, Beggar, &c. be brought to any Constable or Officers with a Pass, or other Writing, to be relieved or conveyed, such Vagabond, &c. shall be taken by the Constable before the next Justice of Peace, who shall carefully examine such Persons, and send them to the House of Correction, or to such Town of the next County through which such Persons are to pass, as he shall think proper, giving the Constable a Certificate of the Persons ordered to be punished or conveyed, with the manner how, when, and whence conveyed, and with what Assistance.

The

Ch. 10. and Resolutions thereupon. 255

The Justices shall tax the Allowance to the Constable on the Certificate, which being delivered to the chief Constable, he is to pay it out of the Gaol and Marshalsea Money, delivering the Receipt of it to the Treasurer of the County, who shall be allowed it on his Account. And if the Gaol and Marshalsea Money have not a Surplus, the Justices at the Quarter-Sessions shall raise the same as they do for Gaols and Bridges, and pay the chief Constable a Quarterly Payment beforehand for the same Purpose. Petty Constables shall not charge the Place for such Relief or Conveyance.

Constables neglecting their Duty, or to apprehend such wandring Beggars, shall forseit 20 s. &c. to be levied by Warrant of a Justice of

Peace, on Oath of one Witness.

The feveral Ridings, Divisions of Counties, Liberties, and Towns-Corporate, shall be taken as Counties at large, in the Execution of this Act.

By 1 Ann. Stat. 2. ca. 13. it is Enacted, That 11 W. 3. ca. 18. shall extend to all Vagrants, and the Justices at every Quarter-Sessions, during the Continuance of this Act, to set down the Rates for the Year ensuing, to be allowed for conveying Vagrants thro' their Liberties; and the Clerk of the Peace to give each Justice a Copy of the Rates Gratis.

No High Constable to pay the Rate taxed on Certificate brought to him by the Petty Constable, unless he produce the Receipt of the Constable of the adjacent County (to whom the Vagrant was to be delivered) of his Receipt of the Vagrant. The Constable or other Officers neglecting their Duty to pay 205.

By

By 2 Ann. c. 6. Lewd and disorderly Servants, Rogues, Vagabonds, and sturdy Beggars, may be taken up, and sent to Sea-Service, in manner as directed for Vagrants by 11 W. 3. cap. 18.

By Stat. 5 Ann. cap. 32. That the Acts 11 & 12 W. 3. cap. 18. & 1 Ann. Stat. 2. cap. 13. and every Clause therein relating to Vagrants, shall continue from the Expiration of the last mentioned Act, for seven Years and from thence to the End

of the next Session of Parliament.

That where the Gaol and Marshalsea-Money shall not be sufficient to satisfie Constables and others for their Loss of Time, and Expences in passing Vagrants, the general Quarter-Sessions shall asses, on every Parish and Place, such Sums of Money as are reasonable for Satisfaction of such Allowances: The Money assessed to be levied according to the Rules by any Acts in force, prescribed for levying of Money for repair of County-Bridges; and the Money so levied to be disposed of as by Order of such Quarter-Sessions shall be appointed.

Where there are two or more Treasurers for one Gounty or Division, the Treasurers thereof shall give Obedience to such Orders as shall be made at the first General Quarter-Sessions to be held for every County or Division, for the Discharge of such Sums as shall arise by the conveyance of Vagrants through every such County or

Division.

Proviso, that such Charges be levied according to the Customary Rate of Gaol or Bridge-Money; and that no such Order shall be effectual, till such Treasurer to whom directed have sufficient in his Hands.

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Ch. 10. and Resolutions thereupon. 257

If any such Persons find themselves griev'd by Demands for Disbursements which any the Constables, Headboroughs, &c. shall require of the Parishes or Towns, or by any Tax or other Ast relating to any the aforesaid Demands, such Persons may appeal to the next General Quarter-Sessions, and the Judgment of the Quarter-Sessions shall conclude all Parties.

The Justices of the Peace, Chief Magistrates, and other Officers in Liberties and Towns Corporate, shall in certifying and conveying of Passengers, Vagabond-Beggars, and idle Persons, and raising and paying of Money, act in such Liberties and Towns as they by the said Acts were

impowered to do in Counties at large.

Plague. (Vide postea.)

Statute 1 Fac. cap. 31. continued by 3 Car. 1. cap. 5.

I. THE Mayor, Bailiffs, Head-Officers, and Justices of Peace in a Corporation, or any two of them, have Power to tax the Inhabitants there, towards the Relief of such as are infected with the Plague, and to make Warrants, under their Hands and Seals, for any Person to levy the said Tax upon the Goods of such as shall resuse or neglect to pay the same; and in case no Goods can be found to satisfie the Tax, (upon the Party's Resusal thereof) to commit him to Prison, there to remain until the Tax is satisfied.

II. If the Corporation be not able to relieve the Persons infected, upon Certificate thereof to the Tustices

Justices of the Peace of the County thereunto adjoining, or any two of them, by the faid Officers and Justices of the Town, or any two of them, the faid Juffices of the County shall have like Power to tax, levy, and imprison, as aforefaid, within five Miles Distance of the said Corpora-

III. In Towns and Places Corporate, where there are no Justices, and in the Country, two Justices of Peace of the County shall tax, levy, and imprison, as aforesaid, within five Miles Distance of the Town or Place infected.

IV. These Taxes shall be certified in, at the next Quarter-Seffions of the Corporation or County respectively, and shall there be order'd as by the Justices there or the more Part of them,

shall be thought fit.

V. The Constable, or other Officer, which wilfully neglects to levy the Tax upon a Warrant, as aforefaid, shall forfeit for every such Default 10 s. to be employed upon the charitable Uses aforefaid.

VI. If any infected Person, residing in an infected House, (after commanded by a Justice or other Officer) presume to come forth, the Watchmen may refift him; and if any Hurt happen thereupon, the Watchmen shall not be impeach-

ed therefore.

VII. If any Person having a Sore upon him go abroad, and converse in Company, he shall suffer as a Felon; but if he have no Sore, he shall be only punished as a Vagabond, according to the Statute of 39 Eliz. 4. which see in Vagabonds.

VIII. No Attainder of Felony by Vertue of this Act shall extend to Corruption of Blood, or

Forfeitures of Goods or Lands.

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Ch. 10. and Resolutions thereupon. 259

IX. It shall be lawfull for the Justices of Peace and Head-Officers to appoint Searchers, Watchmen, Examiners, Keepers and Buriers, and to minister unto them Oaths for the due Performance of their Offices, and to give them other Directions, as in their Discretion shall be thought fit.

X. Justices of Peace or Head-Officers, shall not (by Force of this Act) meddle in the Universi-

ties, Cathedral Churches, or Colleges.

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Having in the former Part of this Treatife prefented to your View, an Account of such Statute-Laws, and adjudg'd Cases as relate to the ordering, fettling, maintaining and employing the Poor, with the respective Duties of Justice of the Peace, Churchwardens and Overseers, and other Persons relating thereto; I shall now, in this Second Part, give you the Forms and Precedents of such Orders, Warrants, Mittimus's, Licences, Certificates, Testimonials, &c. as are necessary to be observed touching the same, and which are distributed in the following Method.

Orders, Warrants, Indentures, &c. touching Apprentices and Servants.

Orders, Warrants, Recognizances, &c. touch-

ing Bastard-Children.

Testimonials, &c. touching Losses by Fire, and Shipwreck.

Warrants and Mittimus's to Houses of Correction. Licences to Beg, and Passports for poor People, &c.

Certificates and Warrants, touching the Plague

and King's-Evil.

Rates and Warrants, to levy Relief for the Poor.

Warrants

Warrants, &c. touching Overseers and their Accounts.

Warrants, Mittimus's, &c. touching Settle-

Warrants and Certificates, touching poor Prifioners and Soldiers.

Warrants, &c. touching Rogues, Vagrants, and

Beggars.

Warrants, Certificates, and Distress, for levying Penalties.

Warrants, and Mittimus's, touching Watching

and Ward.

Petitions and Certificates, for Erecting Cottages on Wastes.

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PRECEDENTS

Concerning the

POOR.

Concerning Apprentices, Servants, &c.

A Warrant to put poor Children Apprentices.

To the Church-wardens, and other the Overseers of the Poor of the Parish of St. A. in the said County, and to every of them.

M. ff. Desc are in his Majesty's Name to command you, That you do present unto us, or some of us, in Writing under your Hands, at the House of A.B. in Sc. upon the first Day of July next, at nine of the Clock in the Morning of the same Day

Day, the Names of all fuch poor Children of your faid Parish as are Orphans, or whose Parents shall not by you, or the greater Number of you, be thought able to keep and maintain them; together with the Names of the Parents of the faid Children; (if they have any Living) and the feveral Ages of the faid Children aforefaid; and that you do cause such of the said Children as shall be able to come thither, (and more especially fuch of them as by you shall be thought fit to be put forth Apprentices) to appear before us (at the Time and Place aforesaid) to be by us there viewed: And likewise that you do then and there also present unto us (in Writing as aforesaid) the Name of fuch substantial Inhabitants of your Parish to whom you shall think fit to put the said Children, or any of them, Apprentices; and more especially of such of the said Inhabitants as have not formerly taken fuch poor Children of the faid Parish, Apprentices. And lastly, that you do give Notice to the faid Inhabitants, that they are by us required then and there to appear before us, to shew cause why you (by our Assent) shall not bind such of the said Children Apprentices unto them (as to you shall feem convenient) unless they shall in the mean Time consent to take and receive the fame; and that you accordingly your felves be then and there also present, and have there this Precept. Df all which you are not to fail at your Peril. Given under our Hands and Seals the, &c.

Note, All Persons, to whom the Overseers of the Poor shall (according to the Stat. of 43 Eliz. c. 2.) bind any poor Children Apprentices, may take, receive, Precedents concerning the Poor. 263 receive, and keep them as Apprentices, by 1 Jac. 1 cap. 25.

Note, It is before observ'd, (Tit. Apprentices) that an Apprentice cannot be forced upon any

Person not really using Husbandry,

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A Beg gar's Child may, at the General-Sessions, be bound to serve any Subject of this Realm, being of honest Calling, 14 Eliz. c. 5. 18. Eliz. c. 3. But it seems he may not be forced upon any Person except Husband-men.

An Indenture for an Apprentice so put out.

TUIS Indenture, made the &c. Day of, &c. in the Year of the Reign, &c. Between A. B. and C. D. Churchwardens of the Parish of E. in the County of, &c. and F. G. and H. 7. Overfeers of the Poor of the same Parish, of one Part, and K. L. of, &c. of the other Part, Wits nesseth, that the said Churchwardens and Overfeers, by the Affent of her Majesty's Justices of the Peace of the faid County, whose Names are hereunto written, (according to the Form of the Statute made in the forty-third Year of the Reign of the late Queen Fliz. entituled, an Act for the Relief of the Poor) have put out and bound M. L. a poor Child of the Parish of E. Apprentice to the faid K. L. till the faid M. L. shall come to the Age of twenty-four Years. During which Time, the faid Apprentice his faid Master well and fairhfully shall serve, his Secrets keep, his Commandments lawful and honest every where willingly shall do. He shall do no Hurt nor Damage to his faid Master, nor consent to

be done of others, but to his Power shall let the fame, or forthwith give Notice to his faid Master thereof. He shall not waste the Goods of his faid Master, nor lend to any Person without his He shall not frequent Taverns, Inns, or Ale-houses, (except it be about his said Master's Bufiness there to be done). He shall not (during the faid Term) play at Cards, Dice, or other unlawful Games. He shall not either by Day or Night, absent himself from his said Master's Service; but in all Things as a (good and faithful Servant) shall demean himself towards his said Master, and all his. And the said K. L. his Apprentice shall (during the Term aforesaid) educate and bring up, or cause to be educated and brought up, in his Trade, with due and reasonable Chastisement; and find and allow unto him (during the faid Term) fufficient, wholfome, and competent, Meat, Drink, Lodging, Washing, Apparel, and all other Necessaries meet for such an Apprentice: And in the End of the faid Term shall find, provide for, and deliver unto, his said Apprentice double Apparel; that is to fay, Apparel meet for him to have and to wear, as well on the Lord's Day as on the working Days, both of Linen, Woollen, Hofe, Shoes, and all other Necessaries meet for such an Apprentice to have In Witness whereof, the Parties and wear, above said to these present Indentures their Hands and Seals interchangeably have fet, the Day and Year first above-written.

Sealed and deliverd in the Presence of

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Note, The Churchwardens and Overseers, by Consent of two Justices, (Quorum unus) may bind poor Children Apprentices; the Boys till the Age of twenty-four, and the Girls till twenty-one, or Day of Marriage.

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Another Indenture for an Apprentice.

S. ff. This Indenture made the second Day of June, in the seventh Year of the Reign of our Sovereign Lord George, by the Grace of God, of Great Britain, &c. King, Annoque Dom. 1720. Witnesseth, That A. B. and C. D. Overfeers for the Poor in the Town of P. in the County of S. and E. F. and G. H. Churchwardens of the same Town, by and with the Consent and Allowance of Sir G. H. Kt. and V. K. Efq; two of his Majesty's Justices of the Peace for the same County, have placed, and by these Presents do put, place and bind L. M. being a poor Fatherless and Motherless Child, [or, R. M. Son if L. M. of the said Town of L. Labourer, unable, by reason of his Age and great Charges, to maintain and bring up his said Son] as an Apprentice with N.O. of P. aforesaid, Taylor, and as an Apprentice with him the faid N. O. to dwell from the Day of the Date of these Presents, until the said L. M. shall come and attain the Age of twenty four Years, [or, if it be a Girl; the Age of twenty one, or be married, which shall first happen] according to the Statute in that Case made and provided: During which Time and Term, the faid L. M. shall the faid N. O. his Master well and faithfully serve in all lawful Business as the said L. M. N fhail

shall be put unto, according to his Power, Will. Ability, and Honesty; and obediently in all Things shall he behave himself towards the said N. O. his Children and Family. And the faid N. O. for his Part covenanteth, promifeth, and agreeth, That the faid N. O. the faid L. M. in the Art and Skill of a Taylor, For what else is his Calling] in the best Manner as may or can be, shall teach and inform, or cause to be taught or inform'd, as much as thereunto belongeth, and the the faid N. O. knoweth: And also during all the faid Term, to find and allow unto his faid Apprentice sufficient Meat, Drink, Linen, Woollen, Shoes, Stockings, Washing, Lodging, and all other Things necessary or meet for fuch an Apprentice. In Witness, &c.

Note, The Churchwardens and Overseers, and Apprentice, ought to seal and deliver one Part of the Indentures to the Master, and the Master the other to them; and it may be convenient that the two Justices indorse their Consents on the Backside thereof, as follows:

TMe whose Names are subscribed, Justices of the Peace of the, &c. aforesaid do consent to the putting forth of the aforesaid L. M. Apprentice, according to the Intent and Meaning of the Indenture aforesaid.

A Warrant against them which refuse to take Apprentices.

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To the Constables and Borsholders of, &c..

S. ff. To Bereas Wie the Churchwardens and Overseers of the Poor in the Parish of A. in the County aforefaid, did by our Affent, by Indenture bearing Date the, &c. put and bind out unto R. G. of the Parish aforesaid, B. F. a poor Child of the faid Parish, Apprentice, (according to the Form of the Statute in that Case made and provided in the forty third Year of the Reign of the late Queen Elizabeth, entituled, An Act for the Relief of the Poor) and forasmuch as the said R. G. doth refuse to take, receive and keep the faid Apprentice accordingly, and doth likewife refuse to feal the Counterpart of the faid Indenture: These are therefore (in his Majesty's Name) to command you, That you, some or one of you, do cause the said R. G. to come before us, or one of us, or some other Tustice of the Peace of the said County, to enter into Recognizance unto his faid Majesty, condition'd for his personal Appearance at the next General Sessions of the Peace to be holden at T. in the County aforefaid, then and there to answer the Premisses, and farther to do and receive as the faid Court shall then consider of him in this Behalf. Pereof fail not at your Perils. Given under our Hands and Seals, &c.

Note, It's faid these Warrants and Apprentices are limited to Husbandry, or otherwife cannot

be forc'd upon any Person.

A War-

A Warrant against a Master for abusing bis Apprentice.

To the Constable and Borsholders of N. &c.

S. ff. &Dasmuch as Complaint hath been made unto me by A. B. an Apprentice, &c. against C. D. his Master, both of the Parish aforefaid, That he the faid C. D. doth not allow unto his faid Servant competent Meat, Drink, and Apparel, and doth immoderately correct him without any Cause at all, (or turneth him out of his House, and will not suffer him to return) [as the Case requireth] These are therefore in his Majefly's Name to command you, That some, or one of you, do cause both the said Parties to come before me at N. on Tuesday the 20th Day of this Instant June, at five of the Clock in the Afternoon, to the End that I may examine the same Matter. Dereof fail not, &c. Given under my Hand and Seal this, &c.

A Warrant against a disorderly Apprentice.

To the Constable, &c.

S. ff. ID as much as Complaint hath been made unto me by A. B. Smith against C. D. his Apprentice, both of your Parish of N. in this County, That the said C. D. is a stubborn and disobedient Servant, and doth very much misbehave himself towards his said Master, [or, that the said C. D. hath departed from his said Master, Ec.] These are therefore, Ec. as before.

A War-

A Warrant against one that departeth out of Service before his Time expired.

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To the Constables and Borsbolders of, &c.

S. st. Thereas Complaint hath been made unto me this present Day by A. B. of &c. That one C. D. having been bound and put Apprentice to him the said A. B. is now lately, contrary to Law, departed from his said Master, without his Licence, or other lawful Discharge: These are therefore (in his Majesty's Name) to charge and command you, That you, or some or one of you, do attach the said C. D. when and where he shall be found within your several Limits and Precincts, and thereupon do surther bring him before me, or some other of his Majesty's Justices of and within the said County, to answer the Premisses, and surther to be dealt withal according to Law. Hereof, &c.

Note, It's said, the Proof of the Sufficiency or Insufficiency of the Cause, for which the Master may put away his Servant, or the Servant may depart from his Master, before the End of the Term, shall be made at the Quarter-Sessions. 5 Eliz. cap. 4. Lamb. 601. Cromp. 164.

A Discharge of an Apprentice by the Justices.

S. st. J. E. B. R. H. B. J. F. R. H. four of his Majesty's Justices of the Peace, &c. for the County of S. aforesaid: Whereas Complaint

plaint having been made unto us by A. B. an Apprentice against C. D. his Master, both of the Parish of N. within this County, That the said C. D. his Master hath not allow'd to his said Servant competent Diet and Apparel befitting fuch Apprentice, and hath sometimes corrected him without any just Cause at all, and when he had Cause, corrected him above Measure; and we having order'd the faid Parties to appear before us, and having examined the Complaint find it to be true, and therefore we do think fit to difcharge the faid Apprentice of his Apprenticeship and therefore do by these Presents, under our Hands and Seals, pronounce and declare, That we bave for the Causes aforesaid discharged the said A. B. the Apprentice of his Apprenticeship: the eighth Day of September, Annog; Dom. 1718. Biven under our Hands, &c.

A Bond given to fave the Parish harmless from a Child bound Apprentice by the Overseers, at the Request of a Relation.

Noverint universit per presentes me A. B. de Parech. Sanct. C. Dacorum in Com. Mid. Gen. teneri & sirmiter obligari C. D. & E. F. Supervist pauper' Paroch. præd. in triginti libris bonæ & legalis monetæ Magnæ Britanniæ solvend. eistem C. D. & E. F. aut suis certis Attornat. Successoribus vel Assignat. suis. Ad quam quidem solutionem bene & sideliter faciend. Obligo me Hæredes, Executores & Administratores meos sirmiter per Præsentes, sigillo meo sigillat. Dat. &c. Anno Dom. 1718.

The Condition of this Obligation is fuch, That whereas G. H. at the special Instance and Request of the above-bounden A. B. is by Indenture bearing even Date with these Presents, bound an Apprentice for seven Years to J. K. of L. Carpenter, by the Overseers of the Poor of the faid Parish of St. Clement Danes above nam'd, who have given the faid F. K. 10 l. with him. If therefore the faid A. B. his Heirs, Executors or Administrators, shall, during the faid Term of feven Years, fave and keep harmless and indemnified the abovefaid Overfeers and their Successors, and the Parishioners of St. Clement Danes aforesaid, and every of them, of and from the faid G. H. and of and from his being chargeable and burthensome to the said Parish, Then this Obligation to be void, or else to stand in full Force and Vertue.

It is before observ'd, how the Justices of Peace, &c. may by Stat. 2 Annæ c. 6. put out poor Boys of the Age of ten Years and upwards to Sea-Service, to Subjects, Masters or Owners of Vessels, &c.

But by 4 & 5 Annæ c. 19. no Master of a Ship shall be obliged to take such Apprentice under the Age of 13, and unless of Health and Strength; and the Widows, and Executors, and Administrators of such Master, shall have Power of assigning such Apprentice to any other Master of a Ship, who have not there Complement of Apprentices according to the said Act, and. 43 Eliz. cap. 2.

And that no Person of 18 Years of Age shall be exempt from his Majesty's Sea-Service, who shall have been in Sea-Service before they bound them-

selves Apprentices.

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For sending a Servant to his Service to serve the Time agreed, to prevent Charge on the Parish.

S. st. To the Overseers of the Poor for the Parish of A. in the County aforesaid, and to every of them.

Pasmuch as you have complained unto us, That B. C. being retained into Service by D. E. of R. &c. for one Year (not yet expir'd), is come out of her (or his) Service in the faid Parish of R. and likely to be chargeable to the same: These are therefore in his Majesty's Name to command you, and every of you, that you, or some or one of you, do forthwith convey the faid B. C. to her (or his) faid Master (or Mistress) and deliver her (or him) unto him (or ber), to remain with him (or ber), until she (or be) shall be from him (or her) lawfully discharged; and in case of Refusal of the said D. E. to receive the faid B. C. accordingly, that you, or some or one of you, do forthwith certifie us, or one of us, of the same, to the End that such farther Proceedings may be thereupon had, as by Law is required. Dereof fail not. Biben under our Hands and Seals at N. the ... Day of ... Ec.

A Warrant to levy 40 s. on the Master for putting away his Servant before the End of his Term.

To the Constable and Borsholders of N. &c.

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S. fl. #Dealmuch as it appeareth unto us this Day upon Oath, That A. B. of your Town of N. Husbandman, hath put C. D. his Servant (lawfully retained with him) out of his Service, before the End of the Term agreed, con-These are trary to the Law of this Realm. therefore in his Majesty's Name to charge and command you, and every of you, forthwith upon the Receipt hereof, that you levy the Sum of 40s. (by him the faid A. B. forfeited by the Statute for his Offence) by Way of Distress and Sale of the Offenders Goods, upon his not Payment thereof, rendring to the faid A. B. the Overplus, (if any be,) And that you bring with you the faid 40 s. at the next general Quarter-Sessions of the Peace to be holden for these Parts of R. except the faid A. B. shall shew good Cause to the contrary to his Majesty's Justices of the Peace at N. aforefaid, upon Tuesday next, being the fifth Day of this Instant November. Bereof fail not at your Perils. Given at the General Quarter-Seisions of the Peace at T. the second Day of, &c. A. B. C. D. E. F. G. H.

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For

For not paying Wages.

To the Constable and Borsholders of N. &c.

S. sf. These are in his Majesty's Name to command you, that you, fome or one of you, do cause A. B. to come before me, or fome other of his Majesty's Justices of the Peace of the County aforesaid, to answer unto such Matters as shall be objected against him by C. D. touching his Detention of 20 s. due unto C. D. (as he faith) for Wages, and farther to do and receive as to Justice doth appertain, unless the said A. B. shall forthwith pay unto the said C. D. the Wages aforesaid, or do otherwise give Satisfaction unto him for the same: And you are hereby also farther required to give unto the said C. D. convenient Notice of the Time and Place, when and whither, and before whom you shall cause the faid A. B. to come (in Execution hereof,) to the End that he may also be then and there prefent to make appear his Due to the Wages aforefaid. Bereof fail not, &c.

A Warrant for Relief of a Man-Servant that is out of Service.

To the Constable, &c.

S. ff. Pasimuch as Complaint is made unto me by A. B. That he being lawfully retained in the Service of C. D. of your Town of E. Yeoman,

Yeoman, at Lady-day was Twelve-month, and being discharg'd his Service at Lady-day last, hath been at the Statute-Sessions, and cannot find himfelf a Service, and being destitute of Means whereby to relieve himself: These are therefore in His Majesty's Name straitly to charge and command you, and every of you, that presently upon the Receipt hereof you do receive the said A. B. into your Town, and see him set on Work, and provide for him according to the Statute in that Case made and provided. December fail not. &c.

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A Warrant, upon a Servant's leaving his Service, to find Sureties to perform his Service, or go to Gaol.

To the Constables, &c.

S. ff. Perras J. D. being lawfully retain'd in Service with O. N. of Y. Yeoman, is departed from his faid Master's Service before the End of his Term, without his Master's Leave or Licence, or without any reasonable Cause, contrary to the Laws and Statutes of this Realm in that Behalf provided: These are therefore in his Majesty's Name to command you, and every of you, that you, some or one of you, do attach the Body of the said J. D. and bring him before me or some other of his Majesty's Justices of Peace of the said County, to find sufficient Sureties well and saithfully to serve his said Master according to the Covenants between them made, Ec. And if he shall resuse thus to do, that then

you cause him to be conveyed safely to his Majesty's Gaol at T. in the same County, and him to deliver to the Keeper of the same, together with this Warrant: Commanding also you the said Keeper to receive him so deliver'd to you in the said Gaol, and him there safely keep until he shall give such Sureties as aforesaid. Bitten under, &c.

Another more briefly against one that departed out of Service before his Time expired.

To the Constable and Borsbolders, &c.

S. ff. These are in his Majesty's Name to commanded you, that you, some or one of you, do attach C. D. of E. and bring him before me, or some other Justice of the Peace of and within the said County, to answer for that he is departed out of Service from A. B. of C. (his Time of Covenant with him made not being expir'd) contrary to the Statute in that Case made and provided. And farther to be dealt withal according to Law. Hereof, &c.

One Justice may hear and order the Controverfies between Master and Servant touching their

Departure.

A Mittimus of a Servant departed from bis Service before the Time expired.

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To the Keeper, &c.

S. ff. 777 Dereas R. E. of W. in the County aforesaid, Labourer, was lawfully retained in Service with B. T. of W. aforesaid Yeoman. and hath often departed from his faid Service, before his Term expired, without his Master's Leave or License, or any other reasonable Cause, contrary to the Statutes and Laws of this Realm. These are therefore in his Majesty's Name to will and require you to receive and take into your Custody the said R. E. and him safely to keep, until he shall be thence deliver'd by due Order And in the mean Time to hold him the faid R. to fuch Labour and Work, and give unto him fuch Punishment as by the Laws is re-Giving and yielding him so much Maintenance as he the faid R. shall by his Labour or Work deferve or earn; and that you have the faid R. at the next Quarter-Sessions to be holden at W. aforefaid, together with this Warrant; unless he the said R. E. shall before that Time, in the Presence of some Justice of the Peace, find Sureties well and faithfully to ferve his faid Mafler according to his Covenant: And hereof fail you not at your Peril. Given under my Hand and Seal at my House at D. this 4th Day of, &c.

'A Mittimus (to the House of Correction) of a disorderly Servant, or other idle Person.

To the Keeper, &c.

S. ff. T have fent you herewithal the Body of C. D. in the faid County, being (an idle, dissolute and disorderly Fellow, or) one that will not keep his Service, or follow any Way of Business for an honest Livelihood: These are there fore to will and require you to receive the faid C. D. and him fafely keep, until he shall be thence deliver'd by my felf, or some other of his Majesty's Justices of the Peace of this County. And in the mean Time to hold him to fuch Works, and to give him fuch Punishment, by putting Fetters or Gyves upon him and by moderate Whipping him, as in good Difcretion you shall find Cause, yielding him for his Maintenance only fo much as he shall deferve or earn by his Labour and Work, and at the next Quarter-Seffions you have the said C. D. together with this our Warrant. And hereof fail not at your Peril. Dated, &c.

A Mittimus of a Servant for purloining his Master's Goods.

To the Keeper of, &c.

S. fl. I Dave herewith fent you the Body of A.B. Servant to C.D. of W. Yeoman, for purloining certain Goods from his Master: These are therefore in His Majesty's Name to will and require you to receive and take into your Custody the said A.B. and give him due Correction, according to the Rules of your House, and there to keep him at Labour until he shall be thence delivered by due Course of Law. And hereof sail not at your Perils. Given under my Hand and Seal, &c.

To fetch back a Servant for departing without Licence.

To all Constables, Borsbolders, &c.

S. ff. Dealmuch as A.B. a Servant to C.D. of R. Taylor, hath gone from his faid Master without his lawful Licence or Testimonial, into the County of W. These are therefore in His Majesty's Name to require and command you, some or one of you, that forthwith upon Sight hereof you go with the Bearer hereof, and, as speedily as may be, apprehend the said A.B. and him.

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him to bring before me, or some other of His Majesty's Justices of the Peace for the said County, to the End that such farther Proceedings may be thereupon had as by Law is required. Hereof sail not, &c. Wiven under, &c.

A Warrant to compel a Servant to go to Service, and upon Neglect to appear at the Petty Sessions.

To the Constable and Borsholders of, &c.

S. ff. #Dalmuch as Complaint hath been made unto us, That A.B. of, &c. now of your Parish of N. is such a Person as by Law ought to be retained and live in Service, and yet in Contempt of the Statutes in that Case made and provided, and to the evil Example of others, doth keep herfelf Masterless, and lead an idle Sort of Life: These are therefore in his Majefly's Name to command you, that you, some or one of you, do on Sight hereof require and give Warning unto the faid A.B. to provide for, and betake herfelf to fuch Service as by Law she ought to do: And that within twenty Days after that your Warning given, and if she the said A. B. shall refuse so to do, then you are to bring such Refuser before such of His Majesty's Justices of the Peace of this County as shall be assembled at the Sign of the Queen's Head in N. in the faid County, at their then next Petty-Sessions there to be holden for this Division, immediately after the Expiration of the faid twenty Days, to the end she may be farther proceeded against accordPrecedents concerning the Poor. 281 ing to Law. Pereof fail not at your Perils. Dated at, &c.

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Note, Every unmarry'd Woman fit to serve, being above twelve Years old, and under forty, shall by two Justices or chief Officers, or two Burgesses, be compellable to serve for convenient Time and Wages, on Pain of Imprisonment.

A Discharge of a Servant from his Service within the Time agreed, upon his absenting himself.

S. ff. Dealmuch as it appeareth unto me, That A.B. was retained by C.D. to serve him for a Term (not yet expir'd;) And the faid A.B. without Consent of him the said C.D. hath for the Space of, &c. now last past absented himself from the faid Service, and is gone into fome Place to the faid C. D. unknown. I therefore upon the Confideration of the Premisses, and of the Equity thereof on the Part of the faid C.D. allow the Cause and Matter aforesaid to be reafonable and fufficient to discharge the said C. D. from any farther keeping the faid A.B. in his faid Service, and do accordingly discharge the said A. B. from his Service aforesaid. Biben under my Hand and Seal at R. the Day of Ec.

An Order of Court not to retain a Servant without a Testimonial.

tants of this City of N. shall for the future retain or take into their Service any Servant, without their first shewing a Certificate or Testimonial of their last Abode and Good Behaviour in such former Service or Place where such Servant liv'd, according to the Directions of the Statute for the hiring, retaining and keeping of Servants, in that Case provided, as they will answer the Penalty contained in the said Statute.

God Save our Sovereign Lord King George.

A Testimonial for the Discharge of a Servant.

MEmorandum, That A.B. Servant to C.D. of E. Husbandman (or Taylor, &c.) in the faid County, is licensed to depart from his said Master, and is at his Liberty to serve elsewhere, according to the Statute in that Case made and provided. In witness whereof, &c.

In a Town, to be under the Seal of the Town, and two Housholders there; if in the County, under the Seals of the Constable or Constables, and two Housholders there where he last served.

Precedents concerning the Poor. 283
Also it must be register'd by the Parson, Vicar
or Curate of the Parish, who is to have Twopence
for doing thereof.

A Master that retains a Servant without such

a Testimonial, forfeits five Pounds.

But these Testimonials, &c. are not much in use at this Time.

Bastard-Children.

A Warrant, where a Maid-Servant is gotten with Child, and from thence fent to the Place of her Birth.

To the Constable, &c.

S. st. Pasimuch as W.R. for the Space of two Years now last past, dwelt in the Parish of N. in the said County of S. and being there settled in Service with A.B. &c. was gotten with Child, and being so with Child, now sent or conveyed to the Town of R. under Colour that she was there born, to the burthening the said Town, and contrary to Law: These are therefore in His Majesty's Name to charge and command you safely to convey the said W. to N. aforesaid, there to be set on work, or otherwise to be provided for according to the Law; and that you deliver and leave, or offer to leave, the

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faid W. to and with some one of the Church-wardens and Overseers of the Poor of the Parish of N. aforesaid: And hereof fail you not, &c.

A Mittimus of the Mother to the House of Correction.

To the Constables, &c. and to the Keeper of the House of Correction, &c.

S. ff. Passimuch as G. B. hath lately had a Baftard-Child: These are therefore in His Majesty's Name to command you the said Constable and Borsholders, and every of you, that you, some or one of you, do take the said G. B. and her safely to convey to the aforesaid House of Correction, and there deliver her to the said Keeper of the same (together with this Precept) Commanding also you the said Keeper to receive her into the said House, and there punish and set her on Work during the Term of one whole Year (according to the Form of the Statute in that Case made and provided. (Dereof sail not at your Perils. Given under our Hands and Seals, Sc.

A Warrant against the Mother (for the Second Offence) to commit her to the House of Correction, and find Sureties of Good Behaviour.

To the Constables and Borsholders, &c.

S. ff. Passmuch as N. B. hath lately had a Bastard-Child, and may be chargeable to the Parish; and forasmuch as she hath before offended in the like kind: These are therefore

Precedents concerning the Poor. 285 in his Majesty's Name to command you the faid Constables and Borsholders, and every of you, that you, some or one of you, do take the faid N. B. and her fafely convey to the aforesaid House of Correction, and there deliver her unto the Keeper of the same, together with this Precept: Commanding also you the faid Keeper to receive her into the faid House, and there her to punish and fet on work, until she do put in good Security for her Good Behaviour not to offend fo again (according to the Form of the Statute in that case made and provided) Percof fail not at your Perils. Given under our Hands and Seals at, &c.

A Warrant to cause the Mother and reputed Father to appear.

To the Constable and Borsholders of, &c.

S. ff. PD:asmuch as we are inform'd, That A. B. of the Parish of R. in the County aforefaid, (within the faid Parish, hath lately been deliver'd of a Bastard-Child, (begotten and born out of lawful Matrimony,) yet living, and chargeable to the Parish aforesaid; and forasmuch as the faid A.B. upon her Examination taken, hath charged R. R. of, &c. to have begotten her with Child of the Bastard-Child aforesaid: These are therefore in his Majesty's Name to command you, and every of you, that you, some or one of you, do bring the faid Woman before us at the House of O. in T. in the County aforesaid, upon the twentieth of May, at ten of the Clock

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in the Forenoon of the same Day, to be by us farther examined touching the Premisses; and that you give Notice thereof unto the faid R. R. (if conveniently you can) to the end that he may likewise be at the Time and Place aforesaid to make his lawful Defence therein (if he shall so think fit). And farther, that you, some or one of you, do give Notice to the feveral Persons. whose Names are here underwritten, that they, and every of them, are by us required to appear at the Time and Place aforefaid, to certifie their feveral Knowledges touching the Premisses; to the end that, upon the Examination of the Caufe and Circumstance, we may take such Order therein as to Justice doth appertain. And lattly, That what you shall do in Execution of this our Precept, you do make known unto us at the Time and Place aforesaid. Dereof fail not at your Perils. Given under our Hands and Seals at, &c.

A. B. of, &c. C. D. of, &c. E. F. of, &c.

A Warrant against the reputed Father of a Bastard-Child.

To the Constable, &c.

S. ff. Prasmuth as upon Examination of E.D. of, &c. Single Woman, this Day taken before me (upon Oath) it appeareth that she is at present with Child of a Bastard-Child, which is likely to be chargeable to the Parish when it shall happen to be born; and forasmuch as (upon her

Precedents concerning the Poor. 287 her Examination) fhe hath confes'd, that 7.R. of, &c. did beget her with Child of the Child aforesaid, and hath before me charg'd him with the same: These are therefore in His Majesty's Name to command you the faid Constable and Borsholders, that you, some or one of you, do cause the said J. R. to come before me, or some one of his Majesty's Justices of the Peace of the faid County at, &c. aforefaid, then and there to receive as by the faid Court shall be enjoin'd; and also that he shall in the mean time be of Good Behaviour, as well towards His faid Majefly, as towards all his Liege People; which if he shall refuse to do, that then (without expecting any farther or other Warrant) you, some or one of you, do fafely convey him to the Gaol of, &c. and him there deliver to the Keeper of the fame, together with this Precept: Commanding also you the aforesaid Keeper to receive him into the faid Gaol, and him there fafely to keep, until he shall find such sufficient Security as aforesaid. Derect fail not at your Peril. Given under my Hand and Seal at, &c.

A Mittimus to the Gaol, of the reputed Father of a Bastard-Child.

To the Keeper, &c.

S. ff. I Send you herewithal the Body of J. R. of O. Labourer, brought before me this present Day, and charged by E. S. of the same Town to have gotten her with Child; and for that the said J. refuseth to put in Security for his Appearance

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Appearance at the next Quarter-Sessions; and to the end he may be forth-coming when Order shall be taken for the Relief and discharging the said Town of O. and for keeping of the said Child when it shall happen to be born, according to the Statute in that Case made and provided: These are therefore in His Majesty's Name to charge and command you, that immediately you receive the said J. R. and him safely keep in your Gaol until such Time as he shall be from thence deliver'd by due Order of Law. Percof sail not at your Peril. Dated, &c.

An Order for a reputed Father of a Bastard-Child to discharge the Town.

S. ff. Thereas O. B. of B. in the County aforesaid, Yeoman, hath been charg'd to be the reputed Father of a Male Bastard-Child, lately born at N. in the County aforefaid; and the Matter being heard and examin'd by us, it appear'd to us by the Confession of the said E. D. herself, and by the Testimony of divers Witnesses taken before us upon Oath, the faid O. B. to be the reputed Father of the faid base Child; and for the better Discharge of the said Parish of N. we do order, The faid O. B. shall weekly, and for every Week, from the Birth of the faid Child, until he shall accomplish the Age of twelve Years, or fo long as the faid Child be any ways chargeable unto the faid Town of N. pay, or cause to be paid, unto the Churchwardens and Overfeers of the Poor of N. aforefaid, or some of them, towards the Relief of the faid base Child, one Shilling Precedents concerning the Poor. 289
Shilling and Six-pence; and at the End of the faid Term of twelve Years, to pay to the Churchwardens and Overseers of the Poor of the said Town, for the Time being, the Sum of five Pounds of lawful Money of Great Brit. to bind the said Child forth as an Apprentice to some honest Trade or Calling. In witness, &c.

Another Order for the reputed Father of a Bastard-Child to discharge the Parish, and to send the Mother to the House of Correction.

S. fl. Thereas W. L. of O. in the County aforesaid, fingle Woman, was lately deliver'd at O. aforesaid, of a Bastard-Child nam'd John, which is likely to be chargeable to the faid Town or Parish of O. Wie the Justices of Peace of the County aforefaid, whose Names are here underwritten, having, upon the Complaint of the Townsmen of O. aforesaid, taken upon us the Hearing and Examination of the faid Caufe, do find by divers Examinations, testified upon Oath before us, that the faid W. L. in the Extremity of her Travail, did accuse J. R. of O. aforefaid, Shoemaker, alias Cordwainer, to be the Father of the faid Bastard-Child. And we do also further find by divers other pregnant Proofs and Circumstances upon Oath, that the said F. R. is the reputed Father of the faid Child; where: upon we do order and adjudge him the faid J.R. to be the reputed Father of the faid Bastard-Child. And we do farther order, both for the Oal

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Relief of the said Parish in Part, as also for the Punishment of the said 7. R. that the said 7. R. shall weekly, and every Week, from and after the Birth of the faid Child (fo long as the Child shall be chargeable to the faid Parish), until the faid Child shall attain to the Age of twelve Years, pay, or cause to be paid, unto the Churchwardens and Overfeers of the Poor of the faid Town of O. for the Time being, for and towards the Keeping and Education of the fame Child, the Sum of two Shillings; and shall, within three Months after the faid Bastard Child shall accomplish his said Age of twelve Years, pay at or within the Church-Porch of O. aforesaid, unto the Churchwardens and Overfeers of the Poor of the faid Town of O. for the Time then being, for and towards the putting out and binding forth the faid Child to be an Apprentice, the Sum of four Pounds of lawful Money of Great Britain; And that the faid W. L. fo long as she shall not keep the faid Child, shall likewife pay weekly, and every Week, during the twelve Years aforefaid (or fo long as the faid Child shall be chargeable to the faid Parish), unto the Churchwardens and Overfeers of the Poor of the faid Town for the Time being, the Sum of Six-pence a Week, for and towards the Maintenance and Education of the said Child. And we do farther order, That the faid W. L. shall be fent to the House of Correction at O. there to be punish'd and fet on Work, and there to remain for one whole Year now next enfuing, according to the Statute and Law in that Behalf. And lattly, we do order, That the faid 7. R. shall become bound in a Bond of twenty Pounds unto A. B. and C. D. two of the chief Inhabitants of the faid Town of O. well and truly to perform fo much of this our Order as doth concern the faid J. R. and is on his Part by this our Order to be done and perform'd. In Maitness whereof, we have hereunto fet our Hands the 3d Day of May, Anno Dom. 1718.

Another Order to relieve the Parish from a Bastard, and for punishing the Mother and reputed Father.

S. ff. De Deter of us A. B. and C. D. E-fquires, two of his Majesty's Justices of the Peace of the said County, whereof one of us is of the Quorum), and both residing in the Limits where the Parish-Church of N. in the County aforesaid is, the 30th Day of May, in the Year of our Lord 1718, (according to the Form of the Statute in that Case made, and provided) touching the Male Bastard-Child, late born in the Parish of N. aforesaid, of the Body of H. O. of the same Parish, single Woman, (the Keeping of which said Bastard-Child hath ever since the Birth thereof been and still is chargeable to the Parish aforesaid, and so likely to continue chargeable.)

Airs, (upon our Examination of the Cause and Circcmstance, and due Consideration thereof by us had,) The do adjudge M. L. late of N. aforesaid, Taylor, the reputed Father of the said Bastard-Child. And for Punishment of the said Mother and reputed Father, and the better Relief of the said Parish, we do hereby order as follow-

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eth: That is to fay, Whe do order, that the faid Mother shall by the Constable and Borsholders of the Hundred of R. in the said County, or by some or one of them (upon some Day between the Hours of Nine and Twelve in the Forenoon, in the common Highway at or near, &c. in the Parish aforesaid,) be stripped naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be there openly

whipped until her Body be bloody.

ther shall by the Constable and Borsholders of the Hundred aforesaid, or some or one of them, (upon some Day, between the Hours of Nine and Twelve in the Forenoon, in the common Highway in the Parish aforesaid, over against the Dwelling House of T. L. there) be stripped naked from the Middle upwards, and shall then and there be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be from thence drawn to the Watch-house of N. aforesaid, and on the Way well whipped, in such Manner as in such Cases accustomed.

Tole to farther sider, That the faid Mother shall, within three Days next after Notice of this our Order, render her Body to the faid Constable and Borsholders, or to some or one of them, ready to undergo her Punishment before ordered.

And that the faid reputed Father shall, within fix Days next after Notice of this our Order, render his Body to the faid Constable and Borsholders, or to some or one of them, ready to undergo the Punishment before ordered.

Tale do likewise farther ozder, That the faid reputed Father shall, within fix Days next after Notice given unto him of this our Order, pay, or cause to be paid, to the Overseers of the Poor of the Parish aforesaid, or to some or one of them, thirty Shillings, lawful Money of Great Britain, towards the Monies by them disburfed (before the faid Notice given for or towards the Charges of the Keeping of the faid Bastard-Child, from the Time of the Birth thereof until the Time of the Giving of the faid Notice. And that upon every Saturday, which shall be next after the End of the faid fix Days, until the faid Bastard-Child shall attain to his Age of ten Years, the said reputed Father shall likewise pay unto the Overfeers of the Poor of the faid Parish for the Time being, or unto one or fome of them, fixteen Pence, of lawful Money of England, towards the Charges by them disburs'd towards the Keeping of the Baftard-Child aforefaid, (meaning between the End of the faid fix Days, and the Time that he shall attain unto his Age of ten Years.)

Cole to farther order, That the said Bastard-Child shall be kept and nourished by his said Mother until he shall attain to the Age aforesaid; and that she (so far as she shall be able) shall, during the said Time, so keep and nourish.

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ther and reputed Father shall (for ever, from and after such Time as the said Bastard-Child shall attain unto his said Age of ten Years) jointly and severally discharge the said Parish of and from all Charges whatsoever, for, touching, or concerning, the Keeping or Relieving of the

294 Precedents concerning the Poor. faid Child. In Mitness whereof, we have hereunto subscribed our Names the Day and Year first above-written.

A. B. C. D.

A Warrant to be written under the Order aforesaid, for giving Notice thereof to the Mother and reputed Father.

To the Overseers of the Poor of the Parish of N. in the County aforesaid, and to every of them.

Jest are in his Majesty's Name to command you, and every of you, that you, some or one of you, do (with all convenient Speed) give, or cause to be given, Notice of our Order, (a Copy whereof is herewith deliver'd unto you) both unto the Mother and reputed Father therein mentioned, to the End that they, and every of them, may the better observe and perform the same: And what you shall do in Execution of this our Precept, you, some or one of you, do certify unto us, or one of us, (with all convenient Speed next after the Execution of the same) to the End that such farther Proceedings may be thereupon had as the Case shall require, and to Justice doth appertain. Given under our Hands and Seals at &c. the 30th Day of, &c. Anno. Dom. 1718.

A Warrant for the Punishment of the Mother and reputed Father of a Bastard-Child.

To the Constable and Borsholders of, &c.

To Pereas N. O. of P. in the faid County, Single Woman, was lately deliver'd within the faid Parish of a Male Bastard-Child (begotten and born out of lawful Matrimony) yet living, and chargeable to the Parish aforesaid, and so likely to continue chargeable, to the great Burthen of the same Parish, and the Defrauding of the wellef of the Impotent and Aged, true Poor of the Parish aforesaid, and to the Evil Example and Encouragement of Lewd Life: And whereas upon our Examination of the Cause and Circumstance, (according to the Form of the Statute in that Case made and provided) we have (in and by an Order by us this present Day made, and fubscribed under our Hands, touching the Bastard-Child aforesaid) adjudged M. R. late of P. aforesaid, Miller, the reputed Father of the faid Bastard-Child. And for Punishment of the faid Mother and reputed Father, (according to the Form of the Statute aforesaid) we have thereby ordered, That the faid Mother shall by you, some or one of you, (upon some Day, between the Hours of eight and twelve in the Forenoon, in the Common High-way, at or near the Watchhouse of P. in the Parish aforesaid) be stripp'd naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-Cart,

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Cart, and being fo stripped and tied, shall be there openly whipped until her Body be bloody, And that the faid reputed Father shall by you, fome or one of you, (upon fome Day, between the Hours of nine and twelve in the Forenoon. in the Common High-way in the Parish afore-. faid, over-against the House of H. D. there) be stripped naked from the Middle upwards, and then and there shall be tied to the Tail of a Cart or Dung-Cart, and being fo ffripped and tied, Thall be from thence drawn to the Watch-house aforefaid, and on the Way well whipped in fuch Manner as is in fuch Cases accustomed. And that the faid Mother shall, within three Days next after Notice of our faid Order, render her Body to you, some or one of you, ready to undergo her Punishment before order'd. And that the faid reputed Father shall, within fix Days next after Notice of our faid Order, render his Body to you, some or one of you, ready to undergo his Punishment before order'd. These are therefore in his Majesty's Name to command you, and every of you, That in case the said Mother and reputed Father, or either of them, shall so render her, his, or their Body or Bodies to you or any of you, as aforefaid, that then you, they, or he, (to whom the fame shall be so render'd) do (with all convenient Speed afterwards) proceed with Effect to execute your, their, or his Office according to the faid Purport of the Order aforesaid, and do execute the same accordingly; and that what is done in the Premisses, you or one of you, do (with all convenient Speed, after the aforesaid, &c. Day of, &c.) make known unto us, or one of us, to the end that in cafe of Failure by him or her rendring his or her Body

Precedents concerning the Poor. 297
Body to you, or one of you (according to the faid Order) fuch farther Proceedings may be thereupon had as to Justice it doth appertain. Dereof fail not at your Perils. Biven under our Hands and Seals at P. aforesaid, the first Day of June, 1718.

A Warrant and Mittimus against the reputed Father for not obeying the Justices Order.

To the Constable, &c. and to the Keeper of, &c.

S. ff. 771 Dereas by an Order by us made and subscribed under our Hands the first Day of June last past, touching a Male Bastard-Child lately born in the Parish of P. in the said County, of the Body of N. O. of P. aforefaid, Single Woman, (chargeable to the Parish aforefaid) we have adjudg'd M. R. late of P. aforefaid, Miller, the reputed Father of the faid Baflard-Child: And for Punishment of the said reputed Father, (according to the Form of the Statute in that Case made and provided) among other Things in the faid Order contained, have ordered, That he should by you the faid Constable and Borsholders, or by some or one of you, (upon fome Day, between the Hours of nine and twelve in the Forenoon, in the Common High-way in the Parish of P. aforesaid, overagainst the House of H. D. there be stripped from the Middle upwards, and then and there should be tied to the Tail of a Cart or Dung-Cart, and (being so stripped and tied) should be from

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thence drawn to the Watch-house of P. in the Parish aforesaid, and on the Way well whipped, in fuch manner as is in fuch Cases accustomed; and that he should within fix Days next after Notice of our faid Order render his Body to you the faid Constable or Borsholders, or some or one of you, ready to undergo his Punishment before ordered. And whereas it hath been duly proved before us, that after the making of the faid Order, and by the Space of fix Days and upwards before the Day of the Date hereof, the faid M. R. (fo as aforefaid, the reputed Father of the faid Bastard-Child) had Notice of the said Order, and yet notwithstanding hath not hitherto rendred his Body to you the faid Constable and Borsholders, or any of you, according to the Purport of the same, and so hath not for his Part observed and performed the Order aforesaid: These are therefore in his Majesty's Name to command you the faid Constable and Borsholders, and every of you, that you, some or one of you, do attach the Body of the faid M. R. and him deliver to the aforesaid Keeper of the Gaolaforesaid, to be by him kept in the same without Bail or Mainprize, (except he shall put in sufficient Surety to perform the faid Order, and also personally to appear at the next General Sessions of the Peace to be holden in the said County: And to abide fuch Order as the Justices of the Peace of the County aforesaid, or the more Part of them, then and there shall take in that Behalf, if they then and there shall take any). And that if at the faid Seffions the faid Justices shall take no other Order, then to abide and perform the Order before made as is abovefaid. Commanding also you the faid Keeper of the Gaol aforefaid to receive

Precedents concerning the Poor 299 ceive then the said M. R. into the same, and him there safely to keep, according to the Purport and Tenour of this Precept. Biven under our Hands and Seals at P. aforesaid, the last Day of June, Anno Dom. 1718. Annoq; Regni Domini Georgii, Magnæ Britanniæ, Franciæ & Hiberniæ, Regis, &c. 4°.

An Order for Relief of the Parish, in Case of a Bastard, out of the Estate of the reputed Father.

To the Churchwardens and Overseers of the Poor of & c. and every of them.

S. ff. Daasmuch as (upon your Complaint to us) it appeareth, That J. D. the reputed Father (or Mother) of a Bastard-Child born in the Parish aforesaid, hath lately run away out of the faid Parish, and left the said Bastard-Child, upon the Charge of the Parish aforesaid, altho' the said 7. D. hath Estate sufficient to discharge the said Parish: These are therefore in his Majesty's Name, to require and authorize you, and every of you, that you, some or one of you, do seize and take so much of the Goods and Chattels, and receive to much of the Annual Rents and Profits of the Lands of the faid J. D. as will amount to the Sum of, &c. which we do (according to the Form of the Statute in that Cafe lately made) order you to take and receive for or towards the Discharge of the said Parish, for the bringing up and providing for the aforefaid Bastard-Child, Biven under our Hands and Seals the, &c.

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reve A Warrant for Punishment of the reputed Father of a Bastard-Child, for not keeping the Child, and obeying the Order.

To the Constables, &c. and to the Keeper of, &c

S. st. 77 Dereas upon our Examination of the Caufe and Circumstances, and due Consideration thereof by us had, touching a Male Bastard-Child late born in the Parish of O. in the faid County, of the Body of R. N. of O. aforesaid, Single Woman, (the keeping of which faid Bastard-Child was at the time of making the faid Order chargeable to the faid Parish, and hath ever fince continued chargeable) Tale bid by an Order by us made, and fubscribed under our Hands the 20th of April last past, (according to the Form of the Statute in such Case made and provided) adjudge R. S. of N. in the faid County. Taylor, the reputed Father of the faid Bastard-Child; and for the Pnnishment of the said reputed Father, and the better Relief of the faid Parish, Wie did thereby order, That the said repated Father should by the said Constable, or by the Borsholders of the Town-Borough (within the Hundred aforesaid) upon fome Day of the Market, to be holden in the Town of O. in the faid County (within the Hundred aforesaid) between Notice given of that our Order given unto him, and the first Day of this Instant M. (and now lately past) at the Market-Cross in the Town aforesaid, (between the Hours of two and five

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in the afternoon of the same Day) be stripped naked from the Middle upwards, and tied to one of the Posts of the Market-Cross aforesaid (most visible to the said Market) and then and there openly whipped until his Body be bloody; and that he should, in such convenient time after Notice of that our Order to him given, render his Body to the faid Constable and Borsholders, or one of them (ready to undergo his Punishment so order'd as that the faid Punishment might be executed accordingly; And that the faid reputed Father should pay to the Overseers of the Poor, or one of them, forty Shillings by them disburs'd before the faid Notice given, for or towards the Charge of keeping the faid Child from the Time of its Birth; and that upon every Monday which (after Notice to him given of that our Order) should be during such time as the said Bastard-Child should be chargeable to the faid Parish of O. pay unto the Overfeers of the Poor of the Parish aforesaid for the Time being, or to some or one of them, fifteen-pence of lawful Money of Great Britain, towards the Charges by them disburs'd for the Relief of the Bastard-Child aforesaid; and that the reputed Father should for ever, after such Time as the faid Bastard-Child shall first cease to be chargeable to the faid Parish, discharge the Parish aforesaid of and from all future Charges whatfoever, for, touching or concerning the Keeping or Relieving of the same: And whereas (after the making of the faid Order, and by the Space of fix Days and upwards, before the Day of the Date hereof) the faid R.S. had Notice of the faid Order, and yet hath not observ'd or perform'd any Part thereof, on his Part to be obferv'd and perform'd, These are therefore in His Ma-

Majesty's Name to command you the said Constable and Borsholders, and every of you, that you, fome or one of you, do attach the Body of the faid R. S. and him to deliver to the foresaid Keeper of the Gaol aforesaid, to be by him kept in the fame without Bail or Mainprize (except he shall put in sufficient Sureties to perform the faid Order, or else personally to appear at the next General Sessions of the Peace to be holden in the said County) and also to abide such Order as the Justices of the Peace of the County aforesaid, or the more Part of them, then and there shall take in that Behalf, (if they then and there shall take any) and that if at the faid Sessions the faid Justices shall take no other Order, then to abide and perform the Order before made as abovefaid. Commanding also you the said Keeper of the Gaol aforesaid, to receive then the said R. S. into the fame, and him there fafely to keep, according to the Purport and Tenour of this Precept. Given under our Hands, &c.

A Warrant for sending a Bastard-Child (fund wandring) to the Place of its Birth.

To the Constable and Borsholders of, &c.

S. ff. Wereas upon our Examination we find, That A. D. being the Bastard-Child of C. D. and about the Age of five Years, hath been found wandring and going up and down the Parish of N. and other Places hereabouts, and

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was (as we are credibly inform'd) born in the Parish of L. as appeareth by the Book of the said Parish: These are therefore in His Majesty's Name to will and require you, that (according to the general Usage, Custom, and common Acceptance of the Law in case of a lost Child) you do convey the same Child to the said Parish of L. and that you the Churchwardens and Overseers of the Poor of that Parish do take due Care, that the said Child may be there provided for. Here of fail not at your Perils. Given under our Hands and Seals, &c.

A Warrant for apprehending a Woman on Sufpicion of having murder'd her Bastard-Child.

To the Constable, &c.

S. ff. Thereas I am inform'd, that E.B. hath had a Child lately born alive of her Body, and is suspected to have murder'd or made away the said Child since the Birth thereof: These are therefore in His Majesty's Name to charge and command you, That immediately upon Sight hereof you do apprehend and bring the Body of the said E.B. before me or some other Justice of the Peace of the said County, to answer to all such Matters and Things as on the Behalf of His Majesty shall be objected against her touching the Premisses. Likewise you are to make diligent Search by all lawful Means to find out the Truth of the Premisses, and to bring before me, or some other Justice of the Peace of the said County,

County, all such Persons as can give any Information on the Behalf of His Majesty touching the Premisses. And hereof fail not, as you will answer the contrary at your Perils. Given under my Hand, &c.

A Recognizance in Bail for Bastardy, where two are Manucaptors for the Man in Custody.

S. st. M Emorandum, Quod decimo die Junii, Anno Regni, &c. Quarto, Annoq; Dom' 1718. M.R. de L. in Com' præd' Victualler, & E.M. de L. præd' Gen. venerunt coram me B.R. Armig' uno Justic' &c. ad pacem in Com' præd' conservand' assign' Et manuceperunt & uterq; corum manucepit pro N.T. de parochia de B. in Com' præd' Husbandman, sub pæna vigint' libr' legalis monetæ Mag. Brit. quas quidem summas dit' Domino Regi debere concesserunt & uterq; corum concessit de bonis & catallis, terris & tenementis suis sieri & levari ad opus & usum dit' Domini Regis hæred & successor' suorum si præsat. N.T. desecerit in conditione indorsat' &c.

The Condition is to be indors'd on the Back of the Recognizance.

A Condition for a reputed Father of a Bastard-Child to appear at the Quarter-Sessions.

The Condition, &c. That if the above-bound R. E. shall and do personally appear at the next General Quarter-Sessions of the Peace to be holden

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Precedents concerning the Poor. 305 holden at N. for that Part of the County, and abide such Order as the Justices of Peace shall and do then and there take and make concerning the Bastard-Child born of A. D. of B. in the County of S. whereof he is accused to be the reputed Father, if the said Justices shall take or make any Order therein; and in Desault of such Order by them to be taken or made, That then if the said R. E. shall and do perform the Order therein already made by B. R. and T. W. two of His Majesty's Justices of the Peace for the County aforesaid, Then, Ec.

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A Condition of a Recognizance for the Appearance of the required Father of a Bastard-Child.

The Condition of this Recognizance is such, That whereas the Overfeers of the Poor of the Parish of R. above-mention'd, did on the Day of the Date above-written complain to the Justice above-nam'd, that W. K. of the Parish aforefaid, Single Woman, was then with Child of a Child, which when born is likely to be a Bastard, and chargeable to the said Parish: And whereas the faid W. K. upon her Examination (the Day aforesaid) before the said Justice, did confess the same to be true, and charg'd the above-bound J. H. to have begotten her with Child of the Child aforefaid. If therefore the faid J. H. do answer unto such Matters as shall be objected against him by the said W. K. touching the said Bastard-Child, Then this Recognizance to be void, or else, &c. The

The Condition of a Recognizance of one charg'd to be the Father of a Bastard-Child before its Birth, to appear at the Sessions.

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The Condition of this Recognizance is such, That whereas upon Examination of N. R. in the faid County of S. Single Woman, lately taken before the above-nam'd Justice of the Peace, it appeareth that she was then with Child, which (when it shall be born) is likely to be chargeable to the Parish where it shall happen to be born; And whereas the faid N.R. upon her faid Examination did charge the within bound O. B. with the Begetting her with Child aforesaid: If therefore the faid O.B. do personally appear before His Majesty's Justices assign'd to keep the Peace in the County aforefaid, at the next General Sessions of the Peace to be holden for the faid County, at, &c. in the County aforesaid, to do and receive as by the faid Court shall be enjoin'd (and shall in the mean time be of Good Behaviour, as well towards His faid Majesty, as also towards all his Liege People) That then this Recognizance shall be void, or else it shall stand in full Force.

A Bond for the Discharge of a Parish from the Charge of a Bastard-Child unborn.

Noverint universi per præsentes nos, T.B, & O.D. de R. in Comitat. S. Yeomen, teneri & firmiter obligari B.N. & R.B. Yeomen, Guardian

Precedents concerning the Poor. 307
an Ecclesia Parochial. de R. prædict. ab Anno in
Ann. per spatium quatuordecim Annorum proxime
sequen in Quadragint libris bona Elegalis Moneta
Magna Britannia solvend. eistem B. N. ER.B. E
corum successoribus. Ad quam quidem solutionem
bene E sideliter faciend. Obligamus nos Eutrumq;
nostrum per se pro toto E in solid. Haredes, Executores E Administratores nostros Eutriuss; nostrum sirmiter per prasentes sigillis nostris sigillat.
Dat. Vicesimo die Septembris, Anno Regni Domini nostri Georgii, Dei Gratia Magna Britannia,
Francia E Hibernia, Regis, Fidei Defensor, &c.
Quarto, Annog; Domini, 1718.

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The Condition of this Obligation is such, That whereas Joan, the Daughter of the abovenam'd T.B. was lately gotten with Child by one J.G. as appeareth as well by the Accusation of the faid 7. B. as also by the open Confession of him the said J.G. and she being as yet undelivered thereof, and likely to be chargeable to the faid Parish of R. aforesaid; If therefore the above-bounden T.B. and J.G. or either of them, or either of their Heirs, Executors, Administrators and Affigns, or any or either of them, do and shall from Time to Time, and at all Times hereafter, during the Space of fourteen Years next enfuing the Birth of fuch Child or Children as now is or are in the Body of the faid J.B. as yet unborn, fave, defend and keep harmless and indempnified, the Churchwardens and Parishioners of R. aforesaid and their Successors, and every of them, from any and all manner of Charges, Costs, Damages and Incumbrances whatsoever, that shall or may at any Time or Times hereafter happen to arise, come, be or accrue to them the faid Churchwardens and Parishioners, and their Successors

Successors for the Time being, by or through the Means of the said Child or Children now in her Body, being as yet unborn as aforesaid, That then this present Obligation to be void, or else to stand in full Force and Vertue.

Another Condition to discharge a Parish of a Child born there.

S. ff. The Condition of this Obligation is fuch, That whereas W. R. hath of late been deliver'd of a Man-Child within the Parish of, &c. above-written, to the which Child the within-bound R.O. by his own voluntary Confession doth acknowledge himself to be the Father: If therefore the faid R.O. his Heirs, Executors or Affigns, or every or any of them, do from Time to Time, and at all Times hereafter, fully and clearly acquit, discharge and save harmless, as well the within nam'd H.R. and R. H. Churchwardens of the Parish of, &c. aforefaid, and their Successors for the Time being, and every of them, as also all the Inhabitants and Parishioners of the said Parish, which now are, or hereafter shall be, for the Time being, and every of them, of and from all and all manner of Costs, Charges and Expences what soever, which shall or may in any manner or wife at any Time hereafter arise, happen, come, grow, or be impos'd upon them, or any of them, for or by Reafon or Means of the Birth, Education, Nourishing and Bringing up of the faid Child, and of and from all other Actions, Suits, Charges, Troubles,

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hav me of Precedents concerning the Poor. 309 Troubles, Impeachments and Demands whatfoever, touching and concerning the same, That then, &c.

ARelease (from the Overseers of the Poor) to one that paid ten Pounds to be freed from keeping a Bastard-Child.

TD all Christian People to whom these Presents shall come. THE B.O. of N. in the Parish of R. in the County of M. Gent. and R.M. of R. aforefaid, Barber, the now Overfeers of the Poor for the faid Parish of R. send Greeting. Whereas there was lately a Bastard-Child born within the faid Town of R. begotten on the Body of one R.B. And whereas J.F. of D. in the County of S. Baker, is adjudg'd the reputed Father thereof: And whereas it is agreed by and between the faid B. O. and R. M. and the rest of the Inhabitants of the said Town of R. and the faid J. F. that for and in Confideration of the Sum of 101. of lawful Money of Great Britain, to be paid to us the Overseers for the Poor by the said J. F. We the said Overseers and our Successors, and the rest of the Inhabitants of the faid Town of R. should provide for, take Care of, and maintain the faid Child, and fave harmless and indempnishe the said J. F. of and from the keeping and maintaining it, and of and from all Taxes, Charges and Payments, now alteady, or hereafter to be tax'd or charg'd upon the faid J. F. for and in Respect thereof. 120w know ye, That we the faid B. O. and R. M. have according to and in full of the faid Agreement had and received of the faid J.F. the Sum of 10% and do, by and with the Confent and Direction.

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Direction, and for and on the Behalf of our felves and the rest of the Inhabitants of the said Town of R. acquit, release, and for ever discharge, and free him the said J. F. of and from the said Sum of 101. and from the keeping or maintaining the said Child, and of and from all Charges, Taxes and Payments, now already or hereaster to be charg'd or tax'd upon him the said J. F. to or for the same. In Matthess whereof, we the said B.O. and R. M. have hereunto set our Hands and Seals at N. aforesaid, the first Day of September, Anno Domini 1718.

A Testimonial and charitable Request from Justices of the Peace for poor Men that have had Loss by Fire.

See of Shipwreck'd Persons, postea.

S. ff. T D all Christian Deople to whom this present Writing or Testimonial shall come and be seen, heard or read; A. B. C. D. and E. F. Esquires, three of the Justices of the Peace within the said County of S. send Greeting. Whereas it is both godly, and consonant to Christian Charity, in Matters doubtful and ambiguous, to certisse and report the Truth; We have thought it our Duty (at the earnest and lamentable Suit and Petition of our loving Neighbours, the Bearers or Bringers hereof, G. H. J. K. L. M. &c.) to publish and declare unto your common Knowledge, That on the tenth of M. last past, between three and sour of the Clock

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Clock in the Morning, by Cafualty and great Mischance by Fire, as well their several Dwelling Houses, to the Number of, &c. and all other Edifices and Buildings to every of their faid Dwelling-Houses belonging; and also all their Corn, and most of their several Goods and Houshold-Stuff, were confum'd, wasted, and burnt, to the great Danger of the Bodies of them and their Families, and their exceeding great Loss and Impoverishment. And forasmuch as it is a godly and charitable Deed to further, help and relieve fuch poor, needy and miserable Perfons (being of honest Name, Fame and Conversation), as they who have fuffered this great Lofs: gind for that the Bearers hereof, in Behalf of themselves and their Neighbours, are inforc'd by reason of their Losses to seek for Help and Succour for their Relief. And we knowing their Efface to be fuch as is premis'd, and mov'd with Commisferation of their fad Estate and Condition, Dano therefore, as much as in us lieth, given License unto them, and every of them, to make their Repair from Parish-Church to Parish-Church, and to every Parish-Church and Chapel, Town and Place, within the County of S. to ask, receive and take, the charitable Benevolence of all good and well-disposed People towards the Recovery of their faid great Losses. And our Request farther is, That you, and every of you, to whom they shall repair, do extend your loving Favour and Charity unto them, permitting them without your Denial to execute the Tenour of this our License; denring all Ecclesiastical Perfons, to whom these diffress'd Persons shall make their Address in this Behalf, to declare the Tenour hereof to their Parishioners in every of their

their Parish-Churches and Chapels on every Sunday, or other Festival Days, exhorting them to extend their Charity in this Behalf; and those whom it concerns, to aid and assist them in the Collection thereof. In Witness, &c. ut in aliis.

Another charitable Request made by Justices of the Peace, for the Relief of one Person only who had lately been ruin'd by Fire.

S. ff. To whose Names are hereunto subscrib'd, His Majesty's Justices of the Peace of the County of S. having received credible Information, That R. L. of the Parish of K. in the County aforefaid, Yeoman, upon the . . . Day of last past (by a sudden Fire happening in his Dwelling-house in the said Parish,) had his Goods (to the Value of fifty Pounds) fuddenly burnt and confum'd, (to the utter Undoing him, his Wife and Children) unless he be relieved by the Charity of well-disposed People. Tale therefore taking the faid Loss into Confideration, and much commisferating the same, Dr. upon the aforefaid humble Petition of the faid R. L. (so far forth as lawfully we may,) earnestly recommend his faid fad Condition to the charitable Confideration, and Benevolence of all well disposed People inhabiting within the Parish aforesaid, defiring them to contribute (what God shall move their Hearts unto) towards his Help and Relief, therein defiring also the Minister and Churchwardens of the Parish aforesaid to promote the faid charitable Work. Biven under our Hands, &c.

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A Certificate for obtaining a Brief upon Loss by Fire.

To the Right Honourable William Lord Cowper, Baron of Wingham, Lord High Chancellor of Great Britain.

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THE His Majesty's Justices of the Peace of the County of S. do certifie your Lordship, That at his Majesty's Court of General Quarter-Sessions of the Peace holden at M. for the said County of S. on Monday the 9th of March last past, it did then and there appear unto us the faid Justices fitting in open Court, as well upon the Oaths of A. B. and C. D. Carpenters, and C.D. and E.F. Bricklayers, as also upon the Oaths of G. H. and J. K. two of the most substantial Inhabitants of the Town of W. within the faid County of S. That on Monday the 28th of February last past, between eight and nine of the Clock in the Evening of the same Day, by Cafualty and great Mischance, a sudden and terrible Fire did break forth at the faid Town of W. which by reason of the Fierceness thereof (within the Space of fix Hours) burnt down and confum'd the Dwelling-houses, Barns, Stables, Cow-houses, and Our-houses of above ten of the Inhabitants of the faid Town of W. together with their Corn, Hay, and most of their several Goods and Household-stuff, to the great Danger of the Bodies of them and their Families, and to their exceeding great Loss and Impoverishment: And that the whole Loss sustain'd thereby did amount to 30001 and

and upwards; fo that the said Inhabitants with their Families are totally impoverished, and are no Ways able to subsist, but must necessarily perish, unless they shall be timely relieved by the charitable Benevolence of well-disposed People. And we do farther certifie, That we have taken Bond of several of the Inhabitants, that no Part of the Money collected shall be applied to the Benefit of any Landlords, or other Person of Ability, either in rebuilding his House, or otherwise, nor that the said Inhabitants shall assign over their Collections to any other Person or Persons whatsoever. In Taktness, &c.

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A License and Testimonial for such as have suffer'd Shipwreck.

To all Constables, &c.

S. ss. R. G. of W. in the said County, Esq; one of His Majesty's Justices, &c. ssouth as the Bearer hereof, L. M. aged about Twenty-sour Years, having lately been at Sea in a Ship called the, &c. and hath suffered Shipwreck, and got to Land at D. in the said County of S. upon the third Day of, &c. last past, as I am credibly informed, as well by the Report of the said L. M. as also by the Testimony of divers the Inhabitants of S. aforesaid. And for that the said L. M. hath not wherewithal to relieve himself in his Travel homewards to K. in the County of H. where he saith he was born, (or hath a Dwelling, &c.) These are therefore to pray you, and every of you, to whom these Presents

Precedents concerning the Poor. 315
shall come, not to molest or trouble the said
L. M. in his Travel to K. aforesaid, where he is
limited to be within &c. Days next after the
Date hereof, but desiring you rather to relieve
him in his Necessity as to you shall seem meet;
and withal, you the Constables of every Town
where he shall come, to help him with Lodging
in convenient Time, so that he Travelleth the
direct Way to K. aforesaid, not doing any thing
contrary to the Laws and Statutes of this Realm.
In Whitness, &c.

Note, But now by Stat. 8 & 9 W. 3. c. 25. & 9 & 10 W. 3. c. 27. Hawkers, Pedlars and Petty-Chapmen are to be licensed by Commissioners appointed by the said Statutes. But if such Hawker, &c. upon Demand of any Justice of Peace, Mayor, Constable; or other Officer of the Peace, resuse to shew his License, he shall forfeit 5 l. to the Use of the Poor of the Parish where the Demand was made, and for Non-payment suffer as a common Vagrant, and be sent to the House of

Correction.

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Houses of Correction.

A Warrant and Directions for a General Pricy-Search, for apprehending Rogues, &c.

To the Constable and Borsholders, &c.

S. ff. Dealmuth as it is observed, That (for want of due Execution of the good Laws and Statutes of this Realm, made and provided P 2 for

for the apprehending and punishing of Rogues, Vagabonds, sturdy Beggars, and other wander, ing and idle Persons,) the Number of them does daily encrease within this Division, to the great Prejudice of the Inhabitants therein: (For the better Prevention whereof for the future, and of Robberies, Burglaries, and other Felonies and Misdemeanors, often occasion'd thereby,) These are therefore in His Majesty's Name to command you, and every of you, diligently to obferve and perform our Directions in the Premisses herewith fent unto you, as you, and every one of you, will answer to the contrary at your Perils. Giving you farther hereby to understand, that we shall from Time to Time require a strict Account of your due Observance and Execution of the same; and in case of Negligence of you, or any of you, therein, we shall forthwith (upon Knowledge thereof proceed with Effect (according to Law) to punish such of you as shall fo neglect the same. Given under, &c.

1. That you do henceforth take special Care to apprehend all Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons, and punish and pass them away according to Law.

2. That you do in one Night, within every Week, between the Date of the Precept aforesaid and our next Meeting, make a General Search within the said Hundred, in all suspicious Places, for the finding our and apprehending of all Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons; and such as in the said Search you shall find and apprehend, that you do punish and pass them away according to Law.

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3. That you do cause Watches to be duly kept in sitting Places of the said Hundred, by honest and able Men of the same, every Night, from Sun-setting until Sun-rising, from Ascension-Day until the Nine and twentieth Day of September next ensuing, according to the Statute made at Westminster in the thirteenth Year of the Reign

of the late King Edward I.

4. That you do forthwith bring before us, or fome or one of us, or fome other of His Majesty's Justices of the Peace of the said County, all such Rogues, Vagabonds, sturdy Beggars, and other wandering and idle Persons, as you shall apprehend by Day or Night, and conceive to be more than ordinarily dangerous, or to be suspected for any Murther, Robbery, Burglary, Felony, or other Misdemeanor, to the end they may be farther dealt withal as to Justice doth appertain.

5. That you do from Time to Time (and more especially at every of our Assemblies or Meetings herein after-mentioned) present unto us the Names of all such Persons within the said Hundred as be Masterless, or live out of Service, or be common Alehouse-haunters, or Expenders of their Money in Riot (not duly labouring for their Living, and not having whereby so to maintain

them).

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6. And the Names of all unlicens'd Alehousekeepers within the said Hundred, or notoriously

suspected so to be.

7. Together with the Names of such licens'd Alehouse-keepers within the same as are of evil Behaviour, or do suffer evil Rule, Gaming, or other Disorder, to be kept in their said Houses.

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8. And

8. And the Names of fuch Witnesses as can or will testifie the keeping of any such Alehouse unlicens'd, or the evil Behaviour thereof, or fuffering evil Rule, Gaming, or other Diforder, by any of the faid licens'd Alehouse-keepers.

9. And that you do give Notice unto all and every the faid Witnesses, that they and every of them are by us requir'd to appear before us accordingly, to testifie their several Knowledges

touching the fame.

10. And that you do likewife give Notice unto all and every the faid Persons so by you to be return'd, all Persons out of Service, riotous Spenders, unlicenfed Alehouse-keepers, or disorderly licens'd Alehouse-keepers, that they and every of them are by us required to appear before us, or some of us, as aforesaid, to answer the Premisses, and farther to do and receive as to Juflice doth appertain.

11. That you do from Time to Time at every of our Assemblies or Meetings, deliver unto us, or some of us, in Writing, an Account of what you have done in Pursuance of the Directions be-

fore-mentioned.

12. That (taking Affistance of sufficient Men of the faid Hundred) you do in the Night before every of our Days of Assembling or Meeting hereafter mention'd, that is to fay, [Here put the Days of Meeting of the Justices] make a General Privy-Search within every of the Parishes, Villages and Hamlets within the same, for finding out and apprehending of all Rogues, Vagabonds, and wandering and idle Persons, in and about the faid Parishes, Villages and Hamlets; and that fuch Rogues, Vagabonds, and wandering and idle Persons) as you shall then find and apprehend

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in the said Search) you do cause to be brought before us, or some of us, on the Day, and at the Place of our Assembly or Meeting aforesaid, at ten of the Clock in the Forenoon of the same Day, there to be examin'd of their idle and wandering Life, and to be farther dealt withal ac-

cording to Law.

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at nd nd 13. And that you be then and there also ready to give Account and Reckoning (upon Oath in Writing, and under the Hand of the Minister of each respective Parish) what Rogues, Vagabonds, and disorderly Persons, you have apprehended within the said Search, and also between every such Assembly and Meeting; and how many have been by you punish'd, or otherwise sent unto the House of Correction, (according to the Form of the Statute in that Behalf made in the Seventh Tear of the Reign of the late King James I.) and upon such Fines, Pains and Penalties, as are in the said Statute contain'd (in case you, or any of you, do neglect to perform what is in this Behalf before commanded).

Lastly, That upon some Day (about three or sour Days before every of our said Assemblies or Meetings) you the said Constable and Borsholders do meet and consult together, touching the making of your Return to us of what you have done between every such our Assembly or Meeting; and do also then agree how to divide your selves in your then next Search, and where to meet in the Morning then next following, for your more ready giving to us your Account of

what you have done in the faid Search.

A Mittimus of a Rogue to the House of Correction, taken in a General Search.

To the Constable and Borsholders of the Hundred of A. and to every of them, and to the Keeter of the House of Correction for the said County at B. in the County aforesaid.

S. ff. #Deasmuch as it appeareth unto me, that N. G. of, &c. is of lewd Life, &c. Thefe are therefore in His Majesty's Name, to command you the faid Constable and Borsholders, and every of you, that you, some or one of you, do take the faid N. G. and him [or her] fafely convey, or cause to be convey'd, to the aforesaid House of Correction, and there deliver him [or her] to the said Keeper of the same, there to be punish'd and fet on Work during the Space of, &c. delivering also to the said Keeper this Precept: Commanding likewise you the said Keeper to receive the faid N. G. into the faid House, and him [or her] there to punish and set on Work (according to the Tenour of this Precept.) Bereof fail not at your Perils. Given under my Hand and Seal at, &c.

A Mittimus of an Idle Person out of Service, &c.

To the Constable, &c.

S. ff. Speasmuch as G. B. of, &c. is an idle and disorderly Fellow: these are therefore

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in His Majesty's Name to command you the said Constable and Borsholders, that you, some or one of you, do fafely convey the faid G. B. to the aforesaid House of Correction, and him there deliver to the faid Keeper of the fame, together with this Precept: Commanding also you the faid Keeper to receive him into the faid House, and there fet him to work and labour from time to time by the Space of, &c. next after fuch his Delivery unto you; in the mean time to punish him according to Law. Pereof fail not at your Perils. Biven under my Hand at Seal at, &c.

Note, It may be as follows;

Forasmuch as G.B. is an idle, dissolute and disorderly Fellow,

One that will not keep his Service, Follow an bonest Course of Life,

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e n Idle and diforderly Person,

Of evil and disorderly Life and Conversation, Liveth idly out of Service (not with standing our

Command to the contrary,)

Will not be reform'd of his said idle kind of Life, and evil and disorderly Conversation; or to that Effect,

Or, That he is a Rogue, Vagabond, or an idle

wandering Person, &c.

A Mittimus to the House of Correction of an idle Person that would run away, and will not work to maintain his Family; (and if he run away, and leave his Family, then he is call'd an incorrigible Rogue.)

To the Constable, &c.

S. sf. #Dealmuch as it hath been proved before us upon Oath (according to the Form of the Statute in that Case made and provided) That A. B. of the Parish of D. aforesaid (being able to work, and thereby relieve his Family) hath threatned to run away, and leave his faid Family upon the Parish of D. aforesaid: These are therefore in His Majesty's Name to command you the faid Constable and Borsholders, and every of you (unless he do put in sufficient Sureties for the discharge of the said Parish) that you, some or one of you, do take the said A. B. and him fafely convey to the faid House of Correction, and there deliver him to the faid Keeper of the same (together with this Precept) Commanding also you the said Keeper to receive him into the faid House, and there deal with him and detain him as a flurdy and wandering Rogue, and to be deliver'd at the next Assembly or Meeting, within this lower Division of R. for the better Execution of an Act of Parliament made in the Seventh Year of the Reign of our late Sovereign Lord King James I. over England, &c. (enPrecedents concerning the Poor. 323 (entituled, An Act for the due Execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and sturdy Beggars, and other leaved and idle Persons) or at the Quarter-Sessions, and not otherwise. Hereof fail not at your Peril. Biven under our Hands and Seals, &c.

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A Liberate from thence.

To the Keeper of the House of Correction for the County at R. in the County aforesaid.

S. st. Dereas A.B. was by Warrant from us fent to the said House of Correction, and is at present in your Custody there: Now if the said A.B. is in your Custody for the Cause aforesaid, and no other, we do hereby authorize and command you forthwith (upon Receipt hereof) to set him the said A.B. at large from your said Custody, for which this shall be your sufficient Warrant. Given under our Hands and Seals at R. in the said County, &c.

Note, If any mean Person but threaten to run away, and leave his Family to the Parish, any Two Justices of that Division may send him to the House of Correction, it being prov'd by the Oaths of two Witnesses. Dalt. 207, &c.

Licenses and Passports.

A Licence or Passport for a poor Man to his Friends for Relief.

To the Constable, &c.

S. ff. R. G. and J. D. Esquires, two of His Ma-jesty's Justices of the Peace for the same County, Greeting. Fozalmuch as A. B. of C. &s. the Bearer hereof, being reduc'd to great Poverty and Necessity, hath defir'd a Testimonial or License for his safe Travel unto the City of Y. in the County of Y. where he faith he was born, and hath fome Friends yet living, by whose Means and Friendship he hopeth to be fully reliev'd and holpen: In Confideration whereof, Linoin ve, that we the faid R. G. and J. D. (as far as in us lieth) have licens'd the faid A. B. to travel and pass the direct Way from C. unto the said City of T. so that his Journey be not for longer or farther Continuance than twenty Days next after the Date hereof, praying you, and every of you, not to molest or trouble the said poor Man in his Travel, but to permit and fuffer him to pass, so that he shew himself in no respect offensive to His. Majesty's Laws. In Mitnels whereof, &c.

Note, These Passports are often made to travel upon other Occasions, and the Party ought to be particularly describ'd therein, lest any other

Rerfon make use thereof.

A Licence to beg.

To all Constables, &c.

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R. G. and J. D. Esquires, two of His. Majesty's Justices of the Peace within the County aforesaid, Greeting. Whereas the Bearer hereof A. B. of C. in the County aforefaid being a very poor Man and blind, by Reason whereof he is not able to labour, nor get to live of himself without the charitable Relief of others, and being now Resident in the said County of C. is thereby to be relieved: And being likewise inform'd, that the faid Town is at prefent charg'd with more poor and impotent People than it is able to relieve: know pe therefore, that we the faid Justices have licensed and allowed the faid poor Man and his Leader to go abroad, and beg, gather and receive the charitable Alms of welldisposed People inhabiting and dwelling within the Hundred of, &c. in the faid County, requiring you not to molest or trouble the faid poor Man or his Leader for fo doing, but defiring you rather to relieve him and his Leader in their Necessity, as to you shall feem meet: This our Licence to remain and be in Force for one whole Year next enfuing the Date hereof, and no longer. In Whitness whereof, we have hereunto let our Hands and Seals, &c.

Or it may be thus:

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S. sf. MEmorandum, That A. B. of C. for reafonable Confiderations, is licensed to beg within the Hundreds of E. F. and G. in the said County. Given under the Seal of that Limit this second Day of July, An. Dom. 1718.

Plague, &c.

A Pass or Certificate in the Time of the Plague.

To the Constable, &c. and others His Majesty's Officers within the said County, to whom these Presents shall come respectively.

S. st. Dereas A. B. of C. having Occasion to go unto E. and several other Places in the said County, to dispatch Business in which he is employed, hath this Day desired a Pass from us, that he may go and return without Molestation or Interruption: These are therefore to certifie all whom these Presents may concern, That the Parish of C. aforesaid is free from the Insection of the Plague: and also to will and require you, and every of you, to permit and suffer the said A. B. peaceably and quietly to go unto and return from E. aforesaid, and such other Places

Places as the faid A. B. shall go unto by reason of his Business aforesaid; the said A. B in his Passage to and from the Places aforesaid demeaning himself civilly, without disturbing or interrupting the King's Majesty's Peace. Siven under our Hands and Seals, &c.

The Oath of the Searchers for the Plague.

Y OU shall swear, That you will carefully search, enquire and examine all such Persons as shall die within the Parish of A. and you shall truly publish and declare whether any such Persons do die of the Contagious Sickness of the Plague, either by any Sign that shall appear by the Tokens, Rising Sores, or otherwise, without any conniving in any Manner whatsoever, to the utmost of your Judgment, Understanding and Knowledge, or of what other Disease they shall die. So help you God, &c.

The Bearer's Oath in the Time of the Plague.

YOU shall well and truly serve in the Place of a Bearer at the visited House or Houses where you shall be employed and appointed; you shall not purloin or carry away any Goods what-soever forth of the said House or Houses; and you shall have a special Care not to come into any Company, but continually to remain in such a Place as shall be appointed for you, excepting such Times as you are employ'd in your said Office

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Office of a Bearer; and in every other Thing that belongeth to that Place, you shall, accordingly as you shall be directed by the Officers, well and faithfully behave your self. So help you God, &c.

The Examiner's Oath.

YOU shall well and truly execute the Office of Fxaminer for Health within the Parish of A. You shall truly enquire and learn from Time to Time what Houses within the said Parish be visited, and what Persons be sick, of what Diseases, as near as you can inform your felves; and upon Doubt in that Cafe, you shall command Restraint of Access, until it shall appear what the Disease shall prove; and if you shall find any Person fick of the Infection, you shall give present Order to the Constable that the House be forthwith shut up: And if you find the Constable remiss or negligent therein, then to acquaint some Justice of the Peace within the Liberty or County therewith. You shall fee the vifited Persons and their Attendants weekly paid, and in every other thing belonging to your Office, according to the Statute, and the Book of Orders fet forth by his Majesty and his Privy Council, for the better ordering of vifited Houses, you shall well and faithfully behave your felf. So help you God, &c.

Note, A Justice may (by his Discretion) appoint Searchers, Watchmen, Examiners, Keepers and Buriers, for Persons and Places infected with the Plague, Precedents concerning the Poor. 329
Plague, give them their Oaths for Performance
of their Offices, and other Directions as to his
Discretion shall seem good. 1. Jac. 1. c. 31. Dalt.
c. 6. p. 22, & 145. c. 72.

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A Warrant to shut up a House which is infected, and to take Care for their present Maintenance.

To the Constable, &c. and to the Churchwardens and Overseers of the Poor, &c.

Thereas we are credibly inform'd, That the Plague is in the House of A. B. whereof one died, and that divers of the Inhabitants of your faid Parish have resorted to the faid House both before and after the faid Party was dead, and especially C. D. F. F. and G. H. in the House of J. K. by reason thereof it is seared that they are fick, and so by reason thereof the Sickness is like to encrease and spread farther in the Town, unless there be speedy Provision made for the preventing thereof. These are therefore in his Majesty's Name to charge and command you, that forthwith you cause the said House so infected to be shut up, and that you appoint a Warder at the Door to keep them from coming forth, and others from going to them: And that you the Churchwardens and Overfeers of the Poor be careful that the Parties shut up be sufficiently provided for, for their present Relief and Sustenance. And farther, that you cause the said J. K. and his Family to keep themselves within

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their own Doors; and that in the mean time he forbear to victual, or let any come into his House, till he hath farther Order: And of your farther Care and diligence herein we do expect a continual Account, that we may give farther Directions as Occasion shall require. And we farther order and advise the Parishioners, that they be very careful not to mingle themselves with those that have been of the same insected House. And of this our Warrant we require you to give special Notice. Dereof fail not at your Perils. Biven under our Hands and Seals, &c.

Note, If any Person go abroad after Restraint, having any infectious Sore upon him uncur'd, it's Felony; if he have no Sore upon him, he is to be punished as a Vagabond, and bound to the Good Behaviour for a Year. 1 Jac. 1. c. 31.39 Eliz. c. 4.

A Warrant to make a Rate for the Relief of the Persons infected.

To the Churchwardens and Overseers of the Poor of the Parishes of, &c.

Information hath been given unto us by Certificate, that the Parish of A. within this County is infected with the Plague, and do find themselves unable to relieve the poor infected Persons, and therefore have need of Relief from the adjacent Places five Miles about, according to the Statute in that Behalf provided. These are therefore in his Majesty's Name to com-

Precedents concerning the Poor. 331 command you, and every of you, to come before us on the first Day of July next, at ten of the Clock in the Forenoon, at R. in W. &c. and bring with you your Books of Rates for the Poor to the End that an equal weekly Rate and Assessment may be made for the Purposes aforesaid. Dereof fail not at your Perils. Given under, &c.

King's Evil.

A Certificate, That one hath not been touch'd for the Evil.

W E the Minister and Churchwardens of the Parish of A. in the County (City, or Town) of B. do hereby certifie, That C. D. of the said Parish of A. aged about . . . Years, is afflicted, as we are credibly inform'd, with the Disease commonly call'd the Kings-Evil, and (to the best of our Knowledge) hath not heretosore been touch'd by his Majesty for the said Disease. In Testimony whereof, we have hereunto set our Hands and Seals this, &c.

Registred by N. O.

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G. H. Minister.

J. K. Churchwardens.

Another Certificate of the Same.

W E the Rector and Churchwardens of the Parish of C. in the County of D. whose Names

Names are hereunto subscrib'd, do upon good Information certifie, That E. F. the Son (or Daughter) of T. F. of the Parish aforesaid, hath the Disease or Distemper commonly call'd the Kings-Evil, and hath not as yet been touch'd by his Majesty for the same. Given under our Hands and Seals this 14th Day of April, Anno Dom. 1718.

Note, By Order of K. Ch. II. dated 9 Jan. 1683, the Times appointed for Touching are, from All-Saints Day till a Week before Christmas, and after Christmas till the First Day of March, and then to cease till the Passion-Week. The Certificate to be under the Hands and Seals of the Parson, Vicar or Minister, and of both or one of the Churchwardens where they dwell, or from whence they come, who are to keep a Register thereof.

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A Weekly Rate made the 10th Day of March, &c. by C. R. and S. N. Esquires, Two of his Majesty's Justices, &c. with the Assistance of the Churchwardens and Overseers of the Poor of the Parishes within Five Miles compass of the Parish of A. at this Time infected with the Plague, to be paid by the Inhabitants of the same Parishes weekly for their Relief, during the Time of the Infection, according to the Statute in that Behalf provided.

THE Inhabitants of the Parish of B. to pay Weekly as followeth:

s. d. A. B. 0 10 C D. 0 06 E. F. 0 04, and so of the rest. A Confirmation of the Poor's Rates at a General Quarter-Sessions, upon Complaint of the Poor.

ITE whose Names are hereunder subscribed Two of his Majesty's Justices of the Peace for the County of S. and both of the Quorum, being appointed at a General Quarter-Sessions of the Peace held at N. in the County aforefaid, this 10th Day of July now instant, 1718, to hear and examine the Differences betwixt the Parishioners of the Parish of N. in the County aforesaid, and the Overfeers of the Poor of the faid Parish. in reference to a Rate made, whereby some did urge that they were over-rated; and upon Examination of the faid Matters, We do find that the faid Rate complained of is the same as was formerly made for two Years last past. And we do thereupon, according to the Statute made in that Behalf, confirm the faid Rate, in Respect that the Complainants are fully fatisfied with the fame, as the Churchwardens and Overfeen do affirm.

> 7. T. R. G

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An Allowance and Confirmation of the Rates of the Poor, with a Warrant to levy the same.

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S. st. SEEN, ratified and allowed by us whose Names are hereunder written, two of his Majesty's Justices of the Peace within the County aforesaid. And we do hereby authorize the present Churchwardens and Overseers for the Poor within the parish of N. and every of them, to levy by way of Distress and Sale of the Goods of all such Persons as shall resuse or neglect to pay the several Taxations aforesaid, (upon them imposed) rendring to the Owners the Overplus which shall remain upon the said Sale, according to the Statute in that Case made and provided. Given under our Hands and Seals, &c.

7. T. R. G.

A Warrant to distrain for the Poors Tax.

S. sf. Passmuth as Complaint hath been made by you unto us, That the several Persons hereunder named have refused to pay unto you the several Sums of Money adjoined to their several Names, being affested upon them severally for and towards the necessary Relief of the Poor of the said Parish, (according to the Form

Form of the Statute in that Case made and provided); These are therefore in his Majesty's Name to command you, that you, some or one of you, do forthwith levy the said several and respective Sums of Money by Distress and Sale of the several and respective Offenders, rendring to the Parties the Overplus. And in Defect of such Distress, that then you, some or one of you, do certifie the same unto us, to the End that there may be such farther Proceeding touching the Premisses as to Justice doth appertain. These under our Hands and Seals at, &c.

A. B. 1 s. 6 d. C. D. 1 s. 6 d. E. F. 1 s. 4 d. In

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Note, The Causes for Taxes are Three: First, To get the Poor a Stock. Secondly, To relieve the Impotent by Money. Thirdly, to put out Apprentices. Dalt. 150.

And all Things that are real, and a yearly Value, must be taxed. Dalt. 165.

A Warrant to levy the Weekly Relief. (Vide postea 338.)

To the, &c.

S. st. Maranth as there being Rate or Asselsment made for your Parish of B. annexed to this Warrant) for the Relief of the Inhabitants

Inhabitants of the Parish of A. in this County, at present infected with the Plague, according to the Statute in that Behalf made and provided. These are therefore in His Majesty's Name to command you, that you, some or one of you, do forthwith levy and collect the several and respective Sums of Money of the Persons therein respectively named, by Distress and Sale of the Goods of the Offenders, rendring to the Parties the Overplus, if any be. And the same Money so by your received, to be paid to the Overseers of the Poor of the said Parish of A. and give in the same upon your Account at the end of your Year. Given under our Hands and Seals, &c.

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A Warrant to levy Relief for the Poor.

To the Churchwardens and Overfeers, &c.

S. fl. Thereas Complaint hath been made unto me, That E.O. of your faid Town, who is a very poor Woman, is now very fick and weak, and is utterly unable to provide for herfelf, or her Children, so that all of them are in Danger of Perishing for want of Sustenance. These are therefore in His Majesty's Name straightly to charge and command you, and every of you, that immediately upon Sight hereof, you, or some of you, do by a General Levy throughout the whole Town, or otherwise, make such an Allowance to the said E.O. as may be convenient for and towards the Relief of herself and Children, or forthwith shew Cause, if you can, why you refuse to make the same. And hereof, &c.

A War-

A Warrant to provide a Stock to set the Poor at Work, and to provide Relief for them.

To the Overfeers, &c.

S. ff. 77 Dereas by an Act of Parliament made in the forty-third Year of the Reign of the late Queen Elizabeth, Entituled, An All for the Relief of the Poor: These are to will and require you, whose Names are hereunder written, that you, together with the Churchwardeds of your Parish for the Time being, do according to the same Statute, take Order from Time to Time (for this Year to come) for the fetting to work all the Poor within your Parish (as well married as unmarried) that are able to work, and have no Means to maintain themselves, nor use no ordinary and daily Trade of Life to get their Living by; and also for the placing out, as Apprentices, all fuch Children within your faid Parish as are fit to be put forth, whose Parents are not able to keep and maintain them; and also for the raising a convenient Stock of Flax, Hemp, Wool, Thread, Iron, and other necessary Wares and Stuff in your faid Parish for that Purpose; and also for the providing of necessary Relief for all such Poor within your faid Parish as are Lame, Old, Blind, Impotent, and unable to work; wherein if you be found negligent, or shall fail to meet once a Month to confer together for the Purpole afore faid, then you are to forfeit twenty Shillings a piece for every Month that you shall be found remils Precedents concerning the Poor. 339 miss or careless therein. And therefore see that you fail not in the Premisses at your Perils. Dated, &c.

A Warrant for the Overseers of the Poor to account, and name other fit Persons for the Year ensuing.

To all Constables, and Borsholders of A. &c.

S. ff. These are in His Majesty's Name to command you to give Notice to the Churchwardens and other the Overfeers of the Poor of A. that they are by us required Perfonally to appear before us at the House of S. W. in O. &c. upon Monday the tenth Day of May, at ten of the Clock in the Forenoon of the fame Day, to make and yield up unto us a true and perfect Account in Writing of all Sums of Money by them received, or rated and affeffed and not received, for and towards the Relief of the Poor of A. and also of such Stock (to set the Poor on Work) as is in their Hands, or in the Hands of any of their faid Poor, to work, and of all other Things concerning the faid Office. And that hereof they fail not at their Perils. And you are farther hereby commanded to fignific unto them, that they do then and there alfo certifie unto us the Names of fuch other fubstantial Housholders of A. as are thought meet to be Overseers of the Poor there for the Year ensuing. Dereof fail not at your Perils. Given under our Hands and Scals at the, &c.

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Note, If there be no Nomination of Overseers of the Poor Yearly, every Justice dwelling with in the Division shall forfeit to the Poor 51.

A Warrant to appoint new Overfeers, and to impower them to make Provifion for the Poor during a Year.

To A.B. and C.D. Overseers of the Poor for the Parish of E. in the County of S.

S. ff. BY Vertue of a Statue made in the 43d Year of Queen Elizabeth, Entituled, An Act for the Relief of the Poor, &c. We do appoint you (whose Names are above-written) Overseers of the Poor within the faid Parish for one Year. And thefe are in His Majesty's Name to require you, That (according to the faid Statute) you take Order from Time to Time for this Year to come, for the fetting to work the Poor within your Parish, and to make a Rate on the Inhabitants of the same from Time to Time by a Monthly Affessment, for the raising of a convenient Stock of some Ware or Stuff in your Parish for the providing of necessary Relief for such as be Lame and Impotent among you, and on the placing out as Apprentices such Children whose Parents are not able to maintain them. And for the better effecting hereof, you the faid Overfeers, together with the Churchwardens, are hereby required to affemble and meet together once every Month, and take Order in the Premisses: And if any of your Parish do refuse to

Pay such Sum and Sums of Money as are rated and affested upon them from Time to Time, for the Uses aforesaid, according to the said Statute, or any former Assessment now in Arrears and uncollected, then you are hereby authorized to levy the same by Distress and Sale of the Resustry the Country of the Owners thereof, the said Assessment having been first allowed under the Hands of two Justices of the Peace for the said County. It all not herein at your Perils. Given under our Hands and Seals at A. &c.

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A short Warrant to appoint new Overseers of the Poor to take their Charge.

S. ff. WE whose Names are hereunto subscribed, Justices of the Peace for this County of S. do approve and appoint T. D. and J. R. of, &c. to be new Overseers for the Poor of the said Parish for the Space of one whole Year next ensuing the Date hereof, commanding them, together with the Churchwardens, to provide for the said Poor (according to the Form of the Statute in such Case made and provided). Given under our Hands and Seals, &c.

A. B. C. D. &c.

Note, When the Overseers Books are passed, 'tis usual to signifie it, writ in their Books, at the Foot of the Accompt.

And

And if Money be due to the Old Overseers, you write thus, viz.

Due to be paid from the New to the Old Overseers, 20:08:00. &c.

Seen and allowed by us,

A. B. C. D.

And if Money be due to the New Overseers, you may say,

Remaining in the Old Overfeers Hands, to be paid to the New ones, 10: 13: 04.

10 Oct. Seen and allowed by us,
1718. A. B. C. D.

AWarrant to make Overseers of the Poor, impowering them and the Churchwardens to collect the Poors Tax, and upon Non-payment to distrain.

s si. Dereas by Vertue of an Act of Parliament, Entituled, An Act for the Relief of the Poor, in the 43d Year of the Reign of the late Queen Elizabeth; We whose Names are hereunto subscribed, His Majesty's Justices of the Peace in the said County of S. and one of us of the Querum, dwelling in or near the Parish of N. in the said County of S. have nominated and appointed A. B. and C. D. (together with R. B. Churchwarden for the Time being) according to the said Act of Parliament, to be Overseers for the Poor of the said Parish: and receiving of the

Precedents concerning the Poor. 343. the feveral Sums of Money taxed and affeffed by them on the feveral Persons on the 20th Day of June Instant. These are therefore, according to the faid Act of Parliament, to Authorize you. the faid Churchwarden and Overfeers of the Poor, or any of you, to collect and receive all fuch Sums of Money as aforefaid, and the fame respectively to levy of all such Persons as shall refuse to pay the aforesaid Affessment, by Way of Distress and Sale of their Goods for so much, rendring the Overplus, if any be, to the Party or Parties distrained; and for Default of Distress, We require all Constables and other Officers to bring before us, or some other his Majesty's Juslices of the Peace of this County, the Bodies of all fuch Perfons where no Distress can be had. that farther Course may be taken with them according to Law. Dated, &c.

The Title for an Affessment of the Poor.

N. in A N Affestiment made on the Inhabitants. Com.S. A of the Parish aforesaid, for and towards the Relief of the Poor of the said Parish for the present Year, (or Year ensuing) from the Feast of the Annunciation of the Blessed Virgin Mary, Anno Dom. 1718.

A. B. Churchwarden.

7. T. R. G.

C. D. Overfeers.
E. F. Overfeers.
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A Confirmation by the Inhabitants.

N. in WE whose Names are hereunto subscri-Com.S. We bed, being the Ancient Inhabitants of the Liberty aforesaid, have seen this Book, and perused the same, and the same is by us rated upon the Inhabitants aforesaid, according to the best of our Judgments. Witness our Hands the 22d Day of June, Annog; Dom. 1718.

> A. B. G. H. C. D. J. K. E. F. L. M. &c.

A Warrant to levy the Arrears (due to the Parish) from the former Overseers Account by Distress.

To the Churchwardens, and other the Overseers of the Poor of the Parish of A. in the said County, and to every of them.

S. st. \$\ \Partial Dalmuth as (upon your Complaint) it appeareth unto us, that A. B. and C. D. Churchwardens of the Parish aforesaid, and E. F. and G. H. Overseers of the Poor of the said Parish, in the Year of our Lord One Thousand Seven Hundred and Eight, upon their Account by them made and yielded, of and for the Monies by them received and disbursed for and in Execution of their said Office, according to the Form

Form of the Statute in that Case made and provided) were in arrear and behind to the said Parish ten Pounds, and have not yet paid the same over unto you: These are therefore in His Majesty's Name, to command you, that you, some or one of you, do levy the said ten Pounds by Distress and Sale of the Goods of the said A.B. C.D. E. F. and G. H. (rendring to them the Overplus. And in Default of such Distress, that then you do forthwith certifie the same unto us, to the end that we may farther do therein as to Justice doth appertain. Derent sail not. Given under our Hands and Seals, &c.

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A Warrant to levy three Pounds on an Overseer of the Poor for not keeping of Monthly Meetings.

To the Churchwardens and Overfeers, &c.

S. ff. Definitely as it hath been duly proved before us, That A.B. (one of the Overfeers of the Poor of the Parish aforesaid, for the Year of our Lord One Thousand Seven Hundred and Eight) did for the Space of, &c. within the said Year, absent himself from such Monthly Meetings as (by the Duty of his aforesaid Office) he was (by the Statute in that behalf made) injoined (contrary to the Statute aforesaid) whereby he hath forseited three Pounds for his Absence aforesaid: These are therefore in His Majesty's Name to command you, that you, some or one of you, do levy the aforesaid three Pounds by Distress and Sale of the Goods and Chattels

of the said A.B. and the same to employ and dispose to the Use of the Poor of the said Parish, and such other Uses as by the said Statute is appointed. And in Default of such Distress, you do certifie the same to us, to the end that there may be such farther Proceedings touching the Premisses as by Law is required. Biven under our Hands and Seals at, &c.

Note, They are to meet Monthly on Sunday Evening, on Forfeiture of 20 s. for each Default, without a just Excuse be allowed.

A Mittimus where there is not sufficient to distrain.

To the Keeper of His Majesty's Gaol, &c

S. st. \$\iiint_{A.B.}\$ of, &c. was affested and rated at the Sum of, &c. for and towards the necessary Relief of the Poor of the said Parish, (according to the Form of the Statute in that Case made and provided) and that for his Resusal of Payment of the same, a Warrant was (according to the Form of the said Statute) directed to the Churchwardens, and other the Overseers of the Poor of the Parish aforesaid, under the Hands and Seals of R. D. J. N. &c. His Majesty's Justices of the Peace of the County aforesaid; and for that it now appeareth unto us, that the said A. B. hath no Goods or Chattels by Distress and Sale whereof the said Monies can be levied,

nor will he yet pay the Monies aforesaid. The therefore do send you herewithal the Body of the said A.B. commanding you to receive him into the said Gaol, there to remain (without Bail or Mainprize) until he shall pay the Monies aforesaid. Dereof sail not at your Perils. Biven under our Hands and Seals at, &c.

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A Warrant to the Overseers of the Poor to pay Arrears, and continue Weekly Relief to poor Persons.

To the Churchwardens and Overseers of the Poor for the Parish of A. and to every of them.

S. ff. Thereas Complaint hath been made unto me by A. B. of your faid Town, That you T. L. and R. S. the now Overfeers for the Poor of your faid Parish, formerly paid the faid A. B. the Sum of 1 s. 6 d. per Week, for and towards the Maintenance of herfelf and Children, and that you do now fuspend the Payment thereof, whereby the faid A.B. is utterly disabled to provide for herself and Children. These are therefore in His Majesty's Name to charge and command you the faid Overfeers, that prefently, upon Sight hereof, you, or fome of you, pay unto the faid A. B. all fuch Arrears as are accru'd fince your forbearing the Payment of it, and that you continue to her the former Allowance of 1 s. 6 d. for the future, or forthwith to shew Cause why you refuse to make the same. And hereof, &c.

A Condition for a Churchwarden to give an Account of the Parish-Stock, &c. in his Custody.

The Condition of this Obligation is such, That whereas the abovemention'd A. B. is lately elected and chosen Churchwarden of the Parish-Church of C. by reason whereof he hath receiv'd, and is to receive, divers Goods, Things, and Church-Ornaments, belonging to the Parish-Church aforefaid; and also hath receiv'd, and is to receive, feveral Sums of Money due and appertaining to the Parishioners and Parish-Church aforefaid: If therefore the faid A. B. his Executors, Administrators, or Assigns, on or before the 9th Day of June, which shall be in the Year of our Lord 1718, or within one and twenty Days next enfuing the Death of the faid A. B. or his Removal to dwell out of the faid Parish, in case he shall die, or so remove before the said 9th Day of June, &c. at which of the said prelimited Times shall first and next happen, do and shall not only make, and deliver up, unto fuch Auditors as shall be then chosen and appointed for that Purpose, to and for the Use of the said Parish and Parishioners, a full, true, plain, and perfect Accompt and Reckoning in Writing of all fuch Stock, Monies, Goods, Plate, Church-Ornaments, and other Things of and belonging to the faid Parish, which are now delivered, or which shall hereafter come to his or their Hands, or are, or shall be by him or them receiv'd, but also shall make true Payment and Delivery to the

Precedents concerning the Poor. 349 the faid Auditors, for the Use of the said Parish, of all such of the said Stock, Monies, Goods, Plate, or whatsoever else, as upon the Foot of the said Accompt shall appear to have come and been received, and to be resting in the Hands and Disposal of him the said A. B. his Executors or Administrators, and not by him or them necessarily disbursed or laid out for the Use and Occasion of the said Parish and Parishioners, then this above-written Obligation to be void, &c.

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A Bond and Condition to the Churchwardens and Overseers of the Poor to save a Town harmless upon one inhabiting there.

Toverint universi per præsentes nos R. F. de R. in Com. S. Agricol. & N.R. de R. prædict. Yeoman, teneri & firmiter obligari L. O. de W. in Com. S. præd. Agricol. & T. O. de W. prædict. Yeoman, in fexagint. Libris bone & legalis Monetæ Mag. Brit. folvend. eisdem L. O. & T. O. seu eorum alteriveleorum certis Attornat', Executoribus, Administratoribus vel Assign. suis, ad quam quidem solutionem bene & fidelit' faciend. Obligamus nos & urumque nostr. Heredes, Executores & Administratores nostros & utriusque nostr. firmiter per prasent. Sigil. nostr. sigillat. Dat quinto Die Maii, Anno Regni Domini nostri Georgii, Dei Gratia Magnæ Britanniæ, Franciæ & Hiberniæ, Regis, Fidei Defensor' &c. Quarto, Annoque Demini 1718.

TUC Condition of this Obligation is fuch. That whereas one S. T. Labourer, is now lately come to inhabit and dwell within the faid Parish of W. and likely to be chargeable to the fame: If therefore the faid R. F. and N. R. or either of them, their, or either of their Heirs, Executors, Administrators, or Affigns, or every or any of them, do and shall from Time to Time, and at all Times hereafter, fully and clearly acquit, discharge, save harmeless and indemnifie, as well the within-named L. O. and T. O. Churchwardens of the Parish-Church of W. aforesaid, and the now Overseers for the Poor of the faid Parish, and their Successors, as also all the Inhabitants and Parishioners of the faid Parish, which now are, or any Time hereafter shall be, there resident, and every of them, of and from all and all manner of Costs, Charges, Payments, Taxes and Expences whatever, which shall or may at any Time hereafter in any manner of wife arise, happen, come, grow due, or be impos'd upon them, or any of them, for or by reason or Means of the said S. T. his Wife or Children, or any of them, their or any of their, &c. residing, living, or inhabiting, in the said Parish of W. and of and from all Troubles, Charges and Demands whatfoever concerning the fame, that then this Obligation to be void, and of none Effect, or else to remain in full Force and Vertue.

Sealed and deliver'd in the Presence of, &c.

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AWarrant to warn one to depart out of a Parish, he not having given Notice within forty Days of the Place of his Habitation, &c. or to give sufficient Sccurity to indemnishe the Parish; and upon Refusal, to be apprehended.

To the Constables, &c.

M.ff. 771 Dereas Complaint hath been made unto us by the Churchwardens [or Overseers of the Poor of the Parish of St. M. in the County aforesaid, That A. B. in May last being legally fettled as a Native, [Housholder, Sojourner, Apprentice or Servant, as the cafe is, in the Parish of, &c. in the said County, is now come into the faid Parish of St. M. endeavouring to fettle himfelf as an Inhabitant thereof, and doth not rent the Value of 101. per Annum there, nor hath within forty Days last past given and deliver'd either to the Churchwardens or Overfeers of the Poor of the said Parish any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the faid Parish, contrary to the Forms of the Statutes in that Case made and provided: These are therefore in his Majesty's Name to command you, that you, some or one of you, do warn the faid A. B. forthwith to depart out of and from the faid Parish of St. M. to the Place of his last Abode and Settlement, or otherwise to give fufficient Security, to be allowed by us,

not to be chargeable to the said Parish. And if he shall resuse or neglect so to do, that then you forthwith apprehend and bring the said A. B. before us, or some other of his Majesty's Justices' of the Peace for this County, to shew good Cause to the Contrary, or to be proceeded against according to Law. Dereof sail not at your Perils, Biven under our Hands and Seals, Ec.

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A Warrant (upon not obeying the foregoing Warrant) to remove one to the Place of his last Settlement, and to require the Churchwardens, &c. there to provide for him.

To the Churchwardens and Overseers of the Poor of the Parish of St. M. in the County of Midd. and to the Churchwardens and Overseers of the Poor of the Parish of H. in the County aforesaid, and to all and every of them.

M. ff. Thereas Complaint hath been made unto us by the Churchwardens [or, Overfeers of the Poor] of the faid Parish of St. M. That A. B. in May last being legally settled as a Native, [Housholder, Sojourner, Apprentice or Servant, as the Case is] in the Parish of H. in the County aforesaid, is now come into the said Parish of St. M. endeavouring to settle himself as an Inhabitant thereof, and doth not rent the Value of 101. per Annum there, nor hath within forty Days last Past given or deliver'd either to the Churchwardens or Overseers of the Poor

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of the faid Parish, any Notice in Writing of the House of his Abode, and the Number of his Family, but is likely to become chargeable to the faid Parish contrary to the Form of the Statutes in that Case made and provided. And being required, by a Warrant under the Hands and Seals of two of his Majesty's Justices of the Peace for the faid County, to depart out of and from the faid Parish of St. M. or otherwise to give fufficient Security not to become chargeable to the faid Parish, or shew good Cause to the contrary, hath refused or neglected so to do. These are therefore in his Majesty's Name to charge and command you, that you, some or one of you do forthwith remove and convey the faid A. B. from the faid Parish of St. M. unto the faid Parish of H. the same being (as we are credibly informed) the Place of his last legal Settlement, and to deliver him to the Churchwardens and Overfeers of the Poor there, or to some or one of them, (together with this Precept, or a true Copy thereof) who are hereby required to receive and provide for him as a fettled Inhabitant there, until they shall otherwise be discharged thereof according to Law. Percof fail not at your Perils. Biven under our Hands and Seals the, &c.

A Warrant to apprehend one for returning to the Parish from whence he was removed.

M. ff. Thereas A. B. in May last being legally fettled as a Native, [Housholder, Sojourner, Apprentice or Servant, as the Case is, in the Parish of H. in the County aforesaid, came into the Parish of St. M. to settle in a Tenement under the yearly Value of 10 l. not having within forty Days last past given or delivered, either to the Churchwardens or Overfeers of the Poor of the faid Parish of St. M. any Notice in Writing of the House of his Abode, and the Number of his Family, and being likely to be chargeable to the Parish, was, upon Complaint thereof made by the Churchwardens and Overfeers of the Poor of the faid Parish (according to the Form of the Statute in that Case made and provided), by Warrant to the faid Churchwardens and Overfeers of the Poor directed, by them removed and conveyed to the faid Parish of H. there to remain (according to the faid Statute); fince which the faid A. B. did return of his own accord to the faid Parish of St. M. from whence he was so removed: These are therefore in his Majesty's Name to command you, that you, some or one of you, do cause the said A. B. to come before us, at the House of, &c. in the said County, the 6th Day of June now next enfuing, at Nine of the Clock in the Forenoon of the same Day, to shew Cause why he returned to the said Parish

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Parish of St. M. and further to do and receive as to Justice doth appertain: Dereof fail not at your Perils. Given under our Hands and Seals the, Sc.

A Mittimus against one that returneth into a Parish after he was removed.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

S. ff. Thereas upon Complaint (according to the Form of the Statute in that Behalf lately made), That A. B. an Inhabitant, [Native, Housboulder, Sojourner, Apprentice or Servant, last legally fettled in R. came into the Parish of N. in the County aforesaid, to settle in a Tenement there under the yearly Value of 10%. not having given Notice within forty Days of, &c. and thereupon the Churchwardens and Overfeers of the Poor of the said Parish did (according to the Statute aforefaid) convey the faid A. B. to R. aforefaid, there to remain an Inhabitant as formerly he was; after which faid conveying, the faid A. B. did return of his own accord to the aforesaid Parish of N. from whence he was remov'd: These are therefore in his Majesty's Name to require you the said Constable and Borsholders, and every of you, that you, fome or one of you, do take the faid A. B. and him convey to the aforefaid House of Correction, and there deliver him to the aforesaid Keeper of the same (together with this Precept) Requiring

also you the said Keeper to receive him into the said House, and there punish him as a Vagabond, Pereof sail not at your Perils. Given under my Hand and Seal the, &c.

A Warrant to fend a Wife and Children to her Husband in the Parish from whence they came.

To the Churchwardens and Overseers of the Poor of the Parish of N. Ec.

S. st. PD:asmuch as Complaint hath been by you made unto us, That K. the Wife of R. B. (an Inhabitant in the Parish. of G. in the County aforefaid) is lately come into your faid Parish of N. and hath brought with her thither two Male-Children (of the faid R. and K.) of the Age of, &c. (or thereabouts;) and that both the faid K. and Children are likely to be chargeable to your faid Parish, and you have thereupon crav'd from us fuch Relief (touching the Premisses) as by Law is appointed, These are there: fore in his Majesty's Name to authorize and require you, that you, some or one of you, do convey the said K. and Children to the said Parish of G. and there to deliver them to the said R. (in case you can there find him,) to be with him fettled according to Law: And in case that you cannot there find him, then to deliver the faid K. and Children to the Overseers of the Poor of the faid Parish of G. to be disposed of according to Law. Biben under our Hands and Seals, &c. A Mir

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A Mittimus to the House of Correction, of one that refuseth to be removed after his Work is finish'd.

To the Constables and Borsholdors, &c. and to the Keeper of the House of Correction, &c.

S. ff. Dereas upon Complaint, (according to the Form of the Statute in that Behalf lately made) That A. B. an Inhabitant in R. came into the Parish of O. in the said County to work, and was not returned upon his finishing thereof, and thereupon the Churchwardens and Overfeers of the Poor of the faid Parish were (according to the Statute aforesaid) required and authorized to convey the faid A. B. to R. aforesaid, there to remain an Inhabitant as formerly he was; nevertheless the said A. B. (tho lawfully requir'd) refus d to go thither: These are therefore in his Majesty's Name te require you the said Constables and Borsholders, and every of you, that you, fome or one of you, do take the faid A. B. and him convey to the aforefaid House of Correclion, and there to deliver him to the aforefaid Keeper of the same (together with this Precept:) lieguiring also you the said Keeper to receive him into the faid House, and there punish him as a Vagabond. Dercof fail you not at your Peril. Given, &c.

A Warrant and Mittimus for one who runs away and leaves his Family upon the Parish.

To the Constable, &c. and to the Keeper of his Majesty's Gaol for the said County at, &c.

S. ff. &Dealmuch as it hath been duly proved before us, That A. B. of the Parish of N. being able to labour, and thereby to relieve himself and his Family, did nevertheless run away out of the faid Parish, and leave his Family upon the Parish: These are therefore in his Majesty's Name to command you the faid Constable and Borsholders, and every of you, that you, some or one of you, do take the said A. B. and him fafely convey to the Gaol aforefaid, and there deliver him to the faid Keeper of the fame (together with this Precept): Commanding allo you the faid Keeper to receive him into the Gaol aforefaid, and him there fafely keep until he shall be from thence delivered by due Order of Law. Pereof fail not at your Perils. Given under our Hands and Seals, at, &c.

By two Justices of that Division; and it is all fit there be two Witnesses upon Oath.

Note, Such a Person is adjudg'd an incorrigible Regue.

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A Mittimus on the like Warrant.

To the Keeper of the House of Correction, &c.

W E fend you herewithal the Body of A. B. of, &c. for that he did run away, and left his Wife and two small Children in the said Parish, which are become a publick Charge to the said Parish of, &c. straitly charging and commanding you the said Keeper to receive the said A. B. into the said House of Correction, and to be dealt with as an incorrigible Rogue, and him there safely keep until he shall be thence delivered by Order of Law. Dereof, &c.

Poor Prisoners and Soldiers.

AWarrant to allow a poor Prisoner Re'ief.

To A. B. Gent. Treasurer for Relief of the Prisoners in His Majesty's Gaol for the said County, at T. in the County aforesaid.

S. ff. Theras K. L. (now Prisoner in the said Gaol,) is in very great Necessity for Want of present Relief for his Subsistence there: These are therefore (so far forth as in us lieth) to appoint and authorize you the said Treafurer

Turer to allow unto the faid R. L. competent Relief (during his Necessity) in the faid Gaol. Bit vent under our Hands and Seals the, &c. Day of, &c. Ann. Dom. 1718.

A Certificate for a trained Soldier.

Bearer hereof, is a trained Soldier of the Borough of S. for His Majesty's Service, appointed under my Command, and therefore not otherwise to be charged or molested, as you will answer the contrary at your Perils. Given under my Hand at, &c.

A Certificate for an indigent Officer.

That Lieutenant Colonel R. W. is certified by the Commissioners a Man fitly qualified to receive his Dividend of the 60000 l. and the Officemoney given to the loyal indigent Officers, and received a Warrant from the Right Honourable the Commissioners appointed by Act of Parliament, to the Treasurer, to pay him the said Lieutenant Colonel R. M. his Share and Proportion of the 60000 l. and Office-Money, being thirty Pounds, which is enter'd into the Book of Warrants, and not paid, Money in the Treasury falling short by Reason of great Losses by insolvent Collectors, and other Monies that came but lately into the Treasury, out of which

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requ Han Precedents concerning the Poor. 361. he is to be paid. This, at the Request of the said Lieutenant Colonel R.W. I do certifie, this, &c. Day of, &c.

To order an Allowance to a poor Soldier out of the Stock for maimed Soldiers.

To the Treasurer of the said County for maimed Soldiers.

S. ff. & Dealmuch as A. B. Officer, [Soldier or Mariner, maimed, indigent, aged or disabled in Body, for Work in the Service of Her late Majesty, or His Majesty that now is, or under the late Wars, &c. as that he is destitute of any competent Subfistence or Livelihood,] hath according to the Form of the Statute (in that Behalf lately made) made appear unto us, that he hath continued faithful to his Trust, and not deferted the same, by taking Arms against Her late Majesty Queen Anne, or His Majesty that now is, or otherwise), and hath repaired to W. in the faid County (being the Place where he was last fettled before he took Arms): The do therefore (according to the faid Statute) affign 40 s. for his Relief until the next Quarter-Sessions to be holden for the County of S. which you are hereby required to pay unto him. Given under our Hands and Seals. &c.

The

The like f.r Allowance to a Wife or Orphan of a maimed Soldier.

To the Treasurer of the said County for maimed Soldiers.

S. ff. & Deasmuch as A. B. (Widow or Orphan) of C. D. [Officer, Soldier or Mariner, maimed, indigent, aged, or disabled in Body, for Work in the Service of His Majesty,] hath (according to the Form of the Statute in that Behalf lately made) made appear unto us, That C.D. late of E. continued faithful to his Trust, and not deferted the fame by taking up Arms against Her late Majesty Queen Anne, or his Majesty that now is, or otherwise. Wele do therefore (according to the faid Statute) adjudge, that over and besides such Relief as she (or they) shall gain by her (or their) Work or Labour, and shall be allowed by the Charity and Benevolence of the Parish of A. where she (or they) is now settled, you do pay unto her the said A. B. the Sum of, &c. Given under our Hands and Seals this, &c.

31 Car. 2. cap. 1. No Officer Military or Civil, or other Person, shall quarter or billet any Soldier upon any Inhabitants of this Realm without his Consent, and every such Inhabitant may refuse to quarter any Soldier notwithstunding any Order whatsoever. Sed vide Washington's Abridgment, Tit. Soldiers.

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Rogues, Vagrants, &c.

A Warrant for committing a dangerous Rogue.

To the Constable, &c. and to the Keeper of the House of Correction for the County aforesaid.

S. ff. & Dealmuch as A. B. [Rogue, Vagabond, wandering, idle or disorderly Person,] was found and apprehended at O. in the Hundred and County aforefaid, in a general and privy Search by our Command made (according to the Form of the Statute in that Case made and provided) and brought before us this present Day at our Assembly at T. in the County aforesaid: We do therefoze in His Majesty's Name command you the Constable and Borsholders, that you, some or one of you, do (at the Charge of the faid Hundred) convey the faid A. B. to the aforesaid House of Correction, and there deliver him to the faid Keeper of the fame, (together with this Precept.) Commanding also you the said Keeper to receive him into the said House, and there fet him to work and labour, or other-R 2 wife

wise to deal with him according to Law, until he shall be from thence lawfully delivered. Biven under our Hands and Seals at O. aforefaid, the, &c.

Vide Stat. 11 & 12 W. 3. cap. 18, & 1 Annæ Stat. 2. cap. 13. & 5 Annæ cap. 32.

A Mittimus of a dangerous Rogue: See after, Page 367.

A Testimonial for conveying a Rogue who bath been punish'd.

1 B. a sturdy Vagrant Beggar, (of mid-S. ft. dle Personage, lank-hair'd, &c.) aged about thirty Years, was this 9th Day of September, 1718, openly whip'd at T. in the faid County (according to Law) for a wandering Rogue, and is assign'd to pass forthwith from Parish to Parish by the Officers thereof, the next straight way to B. in the County of N. where (as he confesseth) he was born (or dwelled last by one whole Year, &c. if the Case be such,) and he is limited to be at B. aforesaid within ten Days now next ensuing, at his Peril. Biven at T. under the Hand and Seal of J.R. Esquire, one of His Majustices of the Peace of the faid County of S. and D. N. the Constable of T. aforefaid.

Note, By Lamb, Just. Page 206. One Justice is faid to be sufficient. See after, concerning Vagrants. A Testimonial for one that hath suffer'd Ship wreck: Vide antea.

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A Warrant for a General Search for Rogues.

To the High Constables, &c.

S. ff. Thele are in His Majesty's Name to charge and command you, That you, together with the Petty Constables of the feveral Towns, Parishes and Hamlets, within your Hundred, taking fufficient Affistance out of the faid Towns, do make a Privy Search within every of the faid feveral Towns, Parishes and Hamlets, upon the 5th Day of, &c. at Night next coming, for the finding out and apprehending of all Rogues, Vagabonds, and wandering and idle Persons, in or about your said several Towns, Parishes or Hamlets, and that such as shall be found and apprehended, you do cause them to be brought before us the next Day unto T. by Nine of the Clock, there to be by us dealt withal according to the late Statute in that Behalf provided: At which Time and Place we farther require you, together with the faid Petty-Constables, to appear before us, and there to give an Account or Reckoning upon Oath in Writing, and under the Hands of the Minister of every feveral Parish within your Hundred, what Rogues, Vagabonds, wandering and disorderly Persons, have been there apprehended, as well in the same Search, as also fince the last Assembly and Meeting that was made for that Purpose, being upon or about the 9th Day of, &c. last past. And hereof fail you not. Given, &c. R 3 A War-

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A Warrant for apprehending Beggars, and other idle Persons.

To the Constable and Headboroughs, and other His Majesty's Officers of any the Parishes in the Said County, and to all others whom this doth or may concern.

M. ff. To Dereas the Suburbs of London, and Places adjacent, are now infested with many Rogues, Vagabonds, and sturdy Beggars, and other idle Persons, that can give no good Account of their Life and Conversation, to the Danger of the Inhabitants, and contrary to the Laws and Statutes of this Realm. These are therefore in His Majesty's Name straightly to charge and command you, and every of you, That at all convenient Times hereafter, taking with you a convenient Aid and Affistance, you make diligent Search in the feveral Places aforefaid, and in all other suspected Places within any the Parishes in the said County, for all such Rogues, Vagabonds and sturdy Beggars, and other suspected and idle Persons, and them to apprehend and bring before us, or one of us, to be examin'd and dealt with according to Law. Dereof fail not, &c. Biven under our Hands, &c.

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A Mittimus to the House of Correction of a dangerous Rogue.

To the Master or Governour of the House of Correction at B. in the said County, or to his Deputy there.

M. ff. & Dealmuch as A. B. a flurdy vagrant Beggar, was this Day brought before us, and charg'd as well with begging, and idle wandring abroad, as also with other lewd and disorderly Behaviour, so as he appeareth unto us to be dangerous to the inferior Sort of People, and fuch a one as will not be reformed of his roguish Life, contrary to the Laws in that Behalf provided. These are therefore to will and require you to receive the faid A. B. and him fafely keep in your said House, until the next Quarter Seffions to be holden in the faid County; and during all that Time that he shall so continue with you, that you hold him to work and labour, and to punish him by putting Fetters or Gyves upon him, and by moderate whipping him, as in. good Difcretion you shall find Cause, yielding him for his Maintenance only fo much as he shall deferve or earn by his Labour or Work: And that at the next Quarter-Sessions you have the faid A. B. there, together with this our Warrant: And hereof see that you fail not. Given under our Hands, &c.

An Order of Sessions for putting the Laws in Execution against Pedlars and Petty-Chapmen.

At the General Sessions of the Peace held at H. for the County of M. the 20th Day of, &c.

M. ff. Dereas this Court is inform'd, That great Numbers of Pedlars and Petty-Chapmen do wander abroad up and down this County, contrary to Law: We do hereby recommend it to the respective Justices of the Peace of this County, to take effectual Care to put the Laws in Execution against the said Pedlars and Petty-Chapmen. And all the Constables and Tything-men in their respective Precincts are requir'd, so often as they shall find any of the said Offenders, immediately to whip them in fuch Manner as the Statutes of the 39th of Eliz. cap. 4. and the 7th of King James, cap. 4. direct; in Default whereof, the Penalties of the faid Statutes are hereby appointed to be levied upon them.

Vide 8 & 9 W. 3. & 9 & 10 W. 3. concerning the licensing of Hawkers and Pedlars, and of their becoming Vagrants by Non-payment, continued by 5 Annæ cap. 19. & 6 Annæ cap. 5.

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A Testimonial or Pass of a Vagrant to the Place of his Birth.

S. st. A. B. a Vagrant, of middle Stature, aged about thirty Years, was this present Day taken (begging, vagrant, wandering or misordering himself, as the Case is,) at R. in the County aforesaid, and then and there by my Appointment punish'd (according to the Form of the Statute in that Case provided) and he is to be conveyed from Parish to Parish by the Officers of every of the same the next straight Way to the Parish of T. where (as he confesseth) he was born, there to put himself to labour, as he ought to do; and he is limited to pass thither within ten Days now next ensuing, at his Peril. Biten under my Hand and Seal at, &c.

This must be signed by the Justice, Minister and Constable, &c. or two of them, where he was

schip'd.

He is to be strip'd naked from the Middle upwards and be openly whip'd until his Body be bloody.

Constables have Power to commit Beggars to the Stocks who effend. 22 H. 8. c. 12. 14 Eliz. c. 5. Raft. 29.

The like where the Place of his Birth is not known.

S. fl. A. B. a Vagrant, of middle Stature, aged about thirty Years, was this present Day taken begging at B. in the County aforesaid, R. 5.

and then and there by my Appointment punish'd (according to the Form of the Statute in that case provided) and for that the Parish where he was born is not known (tho' it be demanded of him) and for that also he did last dwell before the same Punishment by the Space of one whole Year in the Parish of T.&c. (as he confesseth) he is therefore to be convey'd from Parish to Parish by the Officers of every of the same the next straight Way to the said Parish of T. there to put himself to labour (as he ought to do) and he is limited to pass thither within ten Days now next ensuing, at his Peril. Biven under my Hand and Seal at, &c.

The like where neither the Place of his Birth, nor last Abode, is known.

S. sf. A. B. a Vagrant of middle Stature, aged about thirty Years, was this present Day taken begging at E. in the faid County, and then and there by my Appointment punish'd (according to the Form of the Statute in that Cafe provided) and for that neither the Parish where he was born, nor the Parish where he did last dwell before the faid Punishment, by the Space of one whole Year, is known (tho' both were by me demanded of him): He is therefore to be convey'd from Parish to Parish by the Officers of every of the same the next straight Way to the Parish of P. in the County of, &c. (thro' which he last pass'd without Punishment, as he faith) and he is to be from thence convey'd by the Officers of the faid Parish (according to the Form of the Statute in that Case made and provided) and

Precedents concerning the Poor. 371 is limited to pass thither within ten Days now next ensuing, at his Peril. Given under my Hand and Seal at, &c.

The like where the Vagrant is apprebended in a General Privy Search.

S. st. A. B. a Vagabond of middle Stature, aged about thirty Years, was found and apprehended at B. in the said County, in a General Privy Search by our Command made (according to the Form of the Statute in that Case made and provided) and brought before us this present Day at our Assembly at N. and by our Appointment punish'd according to Law: And he is to be convey'd from Parish to Parish, &c. (as before, mutatis mutandis.)

Note, If such a Rogue, &c. by his Default, exceed the time limited by any such Testimonial or Pass, he shall from Time to Time receive the like Punishment. And the Minister of such Parish shall register such Testimonial, upon the Penalty of 5 s.

A Warrant to levy Five Shillings on the Minister for not keeping a Register-Book.

To the Constable and Borsbolders of R. &c.

S. st. Dealmuch as it being duly prov'd before us, That A.B. The Minister of your Parish of R. doth not keep a Register-Book there, according to the Statute in that Case provided, to record

record the Correction and Pass of Rogues, by which he hath forfeited five Shillings to the Use of the Poor. These are therefore in His Majesty's Name to require you to levy the same five Shillings of the Goods of the said A.B. by Distress and Sale thereof, and to pay the same so by you levy'd to the Overseers of the Poor of your Parish, to be employ'd to the Use of the Poor there. Given under our Hands, &c.

AWarrant to levy ten Shillings on the Constable for not apprehending Rogues, &c.

To the High Constable, &c.

S. ff. Deafmuch as it hath been duly prov'd before us, That A.B. the Constable of O. hath been negligent in his Office in the apprehending and punishing of Rogues, Vagabonds, or flurdy Beggars, and that on the 20th Day of May last past at O. aforesaid, he did willingly suffer an unknown wandering Rogue to pass thro' this Town, tho' he had timely Notice given to him thereof, fo that he might have easily apprehended him; however he did not apprehend, correct and pass him, as by the Statute in that Case provided he ought to have done, whereby he hath forfeited for the Use of the Poor of the said Parish of O. then Shillings. These are therefore in His Majesty's Name to will and require you to levy the same 10s. by Distress and Sale of the Goods of the faid A. B. rendring to him the Overplus, if any fuch shall remain. Biben under, &c.

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Precedents concerning the Poor. 373

Note, By 11 & 12 W. 5. cap. 18. Forfeiture is
20 s. Three Fourths to the Poor, one to the Informer.

A Warrant to levy twenty Shillings on the Constable for not punishing a Rogue, &c.

To the High Constable, &c.

S. ff. \$\ \mathbb{D}2asmuch as it hath been duly prov'd before us, That A. B. the Constable of O. hath been negligent in his Office in the correcting and conveying of Rogues, Vagrants, or sturdy Beggars, and that upon the 13th Day of June last past one R. D. a Vagabond, &c. was taken begging in O. aforefaid, and brought and offer'd to him the said A. B. to be punish'd, who did not correct and pass him, as by the Statute in that Case made he ought to have done, but willingly fuffer'd him to escape unpunish'd, whereby he hath forfeited twenty Shillings to the Use of the Poor of the faid Parish of O. These are therefore in His Majesty's Name, to will and require you, to levy the fame by Diffress and Sale of the Goods and Chattels of the faid A. B. rendring to him the Overplus, if any fuch be. Given under our Hands and Seals, &c.

AWarrant to levy five Pounds for Disturbance of the Execution of the Statute.

S. sf. #Dealmuch as it hath been duly prov'd before us, That A.B. of O. Labourer, did disturb and hinder the punishing and conveying

of T. N. a Rogue, (Vagabond, or flurdy Beggar) taken into Custody by T. D. of O. Constable, so that he did escape without the Punishment as by the Statute in that Case is provided, by which he the said A. B. hath forfeited five Pounds to the Use of the Poor. These are therefore in His Majesty's Name, to will and require you to levy the same five Pounds by Sale of the Goods and Chattels of the said A. B. rendring to him the Overplus, if any be. And that you require him the said A. B. to bring Sureties for his Good Behaviour. Bitest under, &c.

A Warrant to pay two Shillings for apprehending a Vagrant.

To the Constables and Borsbolders of, &c.

S. st. Dereas A. B. did lately apprehend and bring unto me G. D. a Rogue, (Vagrant, or sturdy Beggar) which did pass thro' your Parish of L. in the County aforesaid unapprehended: These are therefore in His Majesty's Name to will and require you forthwith to pay to the aforesaid A. B. 25. (for each, if more than one) for his said Apprehension of the aforesaid C. D. (according to the Form of the Statute in that Case lately made. Dereof sail not at your Peril. Given under my Hand and Seal at, &c.

But see the Abridgment of Stat. 11 & 12 W.3. cap. 18. & 1 Ann. Stat. 2. cap. 15. & Stat. 5 Ann. cap. 32.

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Upon Non-payment of the same.

To the Constable, and Borsholders of, &c.

S. ff. Thereas N. R. did lately apprehend and bring unto R. H. one of his Majesty's Justices of the Peace of the said County, G. D. which did pass thro' the Parish of L. in the County aforefaid unapprehended, of which faid Place of Apprehension A. B. was then Borsholder (or Constable) and thereupon the aforesaid Juflices did (according to the Form of the Statute in that Behalf made) require the faid A.B. to pay to the aforesaid N. R. two Shillings for his faid Apprehension of the aforesaid G. D. Nevertheless the said A. B. hath neglected to pay the fame; These are therefore in his Majesty's Name to require you, and every of you, that you some or one of you, do levy by Diffress and Sale of the Goods and Chattels of the said A. B. ten Shillings, by him forfeited and loft for not caufing the aforesaid G. D. to be punished and convey'd (according to the Form of the Statute in that Behalf made) and that out of the Monies by you fo levy'd you do pay to the faid N. R. the faid 2 s. and 1 s. 6 d. more which we think fit to allow unto him for Loss of his Time; and that you do employ and dispose of the Residue of the said 10 s. to the Relief of the Poor of the Parish aforefaid. Hercof fail not at your Perils. Given under our Hands and Seals, &c.

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See the later Statutes before-mention'd.

A Certificate of apprehending a Vagrant in the Confines of another County.

To A. B. one of his Majesty's Justices of the Peace for the County of L.

S. sf. Desc are to certific you, That O. B. a Rogue, [Vagrant, or sturdy Beggar,] having pass'd thro' the Parish of T. in the said County of L. unapprehended, was upon the 9th Day of June apprehended at R. in the said County of L. in the Confines of the County aforesaid, by J. M. Biven under my Hand, &c.

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AWarrant upon the Certificate to pay the two Shillings thereupon.

To the Constable, &c.

der the Hand of A. B. one of his Majesty's Justices of the Peace for the County of L. That O. B. a Rogue, [Vagrant, or sturdy Beggar,] having pass'd thro' the Parish of C. in the said County of L. unapprehended, was upon the 9th Day of June, apprehended at R. in the said County of L. in the Consines of the County aforesaid, by J. M. which said Parish of R. was then in your Hundred, Borough, &c. These are therefore in his Majesty's Name to will and require you forthwith to pay to the aforesaid J. M. 2 s. (for each,

Precedents concerning the Poor. 377. each, if more than one) for his faid Apprehenfion of the faid O. B. (according to the Form of the Statute in that Case lately made). Percof fail not at your Perils. Biven under my Hand, &c.

Distress upon Non-payment of the same.

To the Constable and Borsholders of, &c.

S. A. Mercas I lately received a Certificate under the Hand of A. B. one of his Majesty's Justices of the Peace of the County of I. That O. B. having pass'd through the Parish of Y. in the faid County of L. unapprehended, was apprehended at R. in the faid County of L. in the Confines of the County aforefaid, by 7. M. of which faid Parish A. B. of C. was then Constable or Borshoulder. And whereas I did (according to the Form of the Statute in that Behalf lately made) by Warrant under my Hand and Seal, require the faid A. B. to pay the aforesaid J. M. 25. for his faid Apprehension of the aforesaid O. B. (according to the Statute aforesaid) nevertheless the said A. B. hath neglected to pay the same: These are therefore in his Majesty's Name to require you, and every of you, that you, some or one of you, do levy by Distress and Sale of the Goods and Chattels of the faid A. B. 10 s. by him forfeited and loft, by not causing the aforesaid O. B. to be punished and convey'd, according to the Form of the Statute in that Behalf made) and that (out of the Monies you have so evy'd you do pay to the said J. M. the aforesaid 2 s. and, &c. more, which

we think fit to allow him for his Expences and Lofs of Time; and that you do employ and difpose of the Residue of the said 10s. to the Relief of the Poor of the faid Parish of Y. Herres fail not at your Perils. Giben under my Hand and Seal the, &c.

A Warrant for levying three Shillings and four Pence upon a Constable, for Neglect of his Duty in giving an Account of Rogues, Vagabonds, &c.

To the Chief Constable of N. and to the Under-Constables of M. and to their Deputies, Greeting.

S. st. Dealmuch as at our Assembly at T. the 7th Day of June last, for the adjusting the Accounts of the Under-Constable, according to a Statute made in the Reign of King James I. touching Rogues and Wanderers, A. B. of M. aforeaid was fined 3 s. 4 d. for being negligent in his Office, and refusing to make such Account as by the faid Statute is appointed: These are therefore in his Majesty's Name, to will and require you, that some or one of you, do forthwith upon the Receipt hereof demand of the faid A. B. the faid Fine; and if he shall refuse or neglect to pay the same unto you within three Days, that then you do immediately levy the faid 3 s. 4 d. by Distress and Sale of his Goods and Chattels, rendring unto him the Overplus thereof, if any fuch shall remain. And lattly, that one of you the Chief Constables do pay the same unto the

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Precedents concerning the Poor. 379 now Treasurer of the Marshalsea, at or before the next Quarter-Sessions of the Peace to be holden at S. for these Parts: And this shall be your sufficient Warrant in that Behalf. Essen under &c.

To these may be added, Warrants and Commitments where disorderly and reguing Persons are taken up by the Watch.

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A Warrant for Watch and Ward, and to apprehend idle Persons.

To the High-Constable of the Hundred of N. and the Constable, &c. within the said Hundred.

S. ff. PD:asmuch as Information hath been given unto us, That very many fuspicious idle Persons do wander about the Country without Controulment and Question: For the better Prevention hereof for the future, and of Robberies and other Misdemeanours often occasion'd thereby; These are therefore in his Majesty's Name to charge and command you, and every of you, to look to your Offices herein, and to fee that you keep and caufe Watches to be duly kept in all the Parishes and Places within your faid Hundred of N. by able and well-armed Men every Night, and Ward by Day from Sun to Sun, and command them that they do apprehend all such Rogues, Vagabonds, sturdy Beggars, and other wandering and idle fuspicious Persons, as you shall apprehend by Day or Night and conceive to be more than ordinarily dangerous:

rous, and bring them before us, or some other of his Majesty's Justices of the said County, to be examined and dealt with according to Law. And all Persons whatsoever are hereby commanded to be aiding, affishing, and obedient to you herein. Dereof sail not. Given under our Hands, &c.

A Mittimus to the House of Correction of one apprehended by the Watch.

To the Keeper of the House of Correction, &c.

M. ff. & Daalmuch as A. B. was this present Day brought before me by C. D. Constable of the Parish of St. G. in the Fields, being by his Watch this last Night apprehended, and charged with wandring and roguing abroad, as also with other Lewd and disorderly Behaviour and Course of Life, such as whereof he will not be reformed, contrary to the Laws in such Behalf provided. These are therefore in his Majesty's Name, to will and require you to receive and take into your Custody the said A. B. and him fafely to keep, until he shall be thence deliver'd by due Order of Law; and in the mean Time to hold him the faid A. B. to fuch Labour and Work, and give unto him fuch Punishment as by the Laws are requir'd, giving and yielding him fuch and fo much Maintenance as he the faid A. B. shall by his Labour and Work earn and deferve; and that you have the faid A. B. at the next Quarter-Sessions to be holden ho

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Precedents concerning the Poor. 381 holden at H. together with this Warrant under, &c.

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Note, There are several other Warrants and Commitments of lewd and disorderly People, &c. taken up by the Watch in the Night-time, &c. which are not within the Intent of this Treatise.

Houses for Poor People.

A Petition to the Justices of Peace for erecting a Cottage on the Waste.

To the Right Worshipful the Justices of the Peace, at the General Quarter-Sessions of the Peace now holden at ... in the County of ... this ... Day of ... &c.

The humble Petition of T. D. of F. in the County aforesaid, Labourer:

Humbly sheweth,

THAT whereas your Petitioner being with his Wise and Children settled as an Inhabitant of and in the said Parish of F. and is at present destitute of an Habitation, and hath by Address made to the Right Honourable P. Lord W. Lord of the Manor aforesaid, obtained his Lordship's Favour and Consent, under his Hand and Seal, for your Petitioner to erect and set up a Cottage on the Waste adjoining to the High-way leading

leading to and within the faid Parish of F. for an Habitation for himself and his said Family, if an Order of Sessions might be obtain'd for Confirmation thereof, as by the Papers hereunto annex-

ed may appear.

May you therefore be pleased to grant unto your poor Petitioner the Order and Decree of this Court, whereby your faid Petitioner may be enabled to fet up a Cottage, for an Habitation for himself and poor Family, on fome convenient Place on the faid Waste to be affigned by his Lordship or his Steward.

And your Petitioner shall ever pray, &c.

The Lord's Confent.

UPON the Petition of T. D. and the Certificate of the Inhabitants of the Parish of P. I do hereby give my Consent, being Lord of the Manor of N. within the same Parish, That the faid T. D. shall and may erect and fet up a Cottage, for his Habitation, in some convenient Place on the Waite within the faid Parish to be affigned him by my Steward, provided that an Order of Sessions be procur'd for that Purpose, for Confirmation hereof according to Law. Witness my Hand and Seal this ... Day of ... &c.

CTat. 12 Annæ cap. 18. Enacted that the Act made 13 and 14 Car. 2. entituled an Act for the Relief of the Poor, which has been continued by feveral Acts, shall be made perpetual.

Any Person who after the 24 June 1713, shall be an Apprentice bound by Indenture, hired

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hired Servant to one who came into any Parish by Certificate, and not having afterwards gained a legal Settlement in such Parish, such Apprentice, by Vertue of his Apprenticeship, Indenture or Binding, and such Servant by being hired, or serving as a Servant to such Person, shall not gain any Settlement in the Parish by reason of such Apprenticeship or Binding, or hiring, or Serving therein; but shall have his Settlement in such Parish, as if he had not been bound Apprentice, or been an hired Servant to such Person, &c.

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Stat. 1 G. c. 8. Sect. 1. Enacted, That it shall be lawful for the Church-wardens or Overfeers of any Parish, where any Wife, Child or Children, shall be left by their Husbands, Fathers or Mothers, on the Charge of fuch Parish where they were born, or last legally settled, upon Application to, and by Warrant or Order from any two Justices of the Peace, to take and seize so much of the Goods and Chattels, and receive so much of the annual Rents and Profits of the Lands and Tenements of fuch Husband, Father or Mother, as such two Justices shall direct, for the Discharge of the Parish where such Wife, Child or Children are left, for the Bringing up and Providing for such Wife, &c. Which Wartant or Order being confirmed at the next Quarter-Sessions, the Justices at such Quarter-Sessions, may make an Order to dispose of such Goods or Chattels by Sale, or otherwise, or so much of them as the Court shall think fit, for the Purposes aforesaid, and to receive the Rents and Profits, or fo much of them as shall be ordered by the Sessions, of his or her Lands and Tenements, tor the Purposes aforesaid.

Sect. 2. The Church-wardens and Overfeers shall be accountable to the Justices at the Quarter-Sessions, for all such Monies as they shall receive by Vertue of this Act.

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Anno nono Georgii Regis.

E Nacted, That after 25 March 1723, No Juffice of Peace shall order Relief to any poor Person dwelling in any Parish, till Oath be made of some Matter which he shall judge to be a reasonable Cause for having such Relief, and that the same Person had applied for Relief, at some Vestry or other publik Meeting of the Parishioners, or to two of the Overseers, and was by them resuled to be relieved, and till he hath summoned two of the Overseers, to shew Cause why such Relief should not be given, and the Person summoned hath been heard, or made Default to appear

The Person order'd to be relieved, shall be entered in the Parish Books, to receive Collections, as long as the Cause for such Relief continues, and no longer, and no Officer of any Parish shall (except on emergent Occasions) bring to the Account of the Parish, any Monies he shall give to any poor Person not registred, on Forfeiture of 5 to be levied by Distress by Warrant of two Justices, and to be applied to the Use of the Poor.

If a Justice of the Peace for a County, shall happen to dwell in any City or Precinct that is a County of it felf, he may grant Warrants, take Examinations

Precedents concerning the Poor. 385.

Examinations, and make Orders for any Matters for which any one Justice may act in, at his own dwelling House, tho' out of the County where he is authorized to act, and such Warrants, &c. shall be good. But not to give Power to the Justices of the County to hold their General Quarter-Sessions, in Cities or Towns, that are Counties of themselves; or to impower Justices, Sherists, Bailists, or other Peace-Officers of the Counties at large, to intermeddle in any Matters

arifing within the faid Cities or Towns.

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The Church-wardens and Overfeers, with the Confent of the Parishioners, may purchase any Houses, and contract with any Persons for lodging and employing fuch poor Persons as shall defire to receive Relief, and there may keep and employ them, and take the Benefit of their Work for their better Maintenance: And if any poor Person shall refuse to be lodged or maintained in fuch House; he shall be put out of the Collection Books, and shall not be entitled to any Relief; and where any Parish shall be too small to hire. fuch Houses for the Poor, two or more Parishes with the Approbation of a Justice of the Peace. may unite in purchasing or hiring such Houses, for lodging the Poor of the feveral Parishes; and if any poor Person in the Parishes so united, shall refuse to be lodged there, he shall be put out of the Collection-Book; and the Church-wardens and Overfeers of any Parish, with Consent of the Parishioners, where such Houses are hired, may contract with the Church-wardens and Overfeers of any other Parish, for lodging or maintaining of the Poor of any other Parish, and if the Poor of any fuch other Parish, shall refuse to be lodged, &c. they shall be put out of the Collection-Books:

but

.386 Precedents concerning the Poor.

but no poor Person, or his Apprentice or Children shall acquire a Settlement in the Parish to

which he is removed.

No Person shall acquire a Settlement in any Parish by Virtue of any Purchase of an Estate or Interest in such Parish, whereof the Consideration for such Purchase doth not amount to 30 h for any longer Time than he shall inhabit in such Estate, and shall then be liable to be removed to such Parish where he was last settled before the

faid Purchase and Inhabitancy therein.

No Person who shall be taxed to the Scavenger or Repair of the Highway, and duly pay the same, shall have a legal Settlement in any Place, by reason of his Paying to such Scavengers Rate or Repairs of the Highway. The Justices within the Liberty of the Borough of St. Peter's, and Hundred of Nassaborough in com' Northampton, may hear and determine all Appeals against any Order for Removal of any Poor, in their Quarter-Sessions, as they might have done before the

Making of the Act 8 and 9 W. 3.

No Appeal from any Order of Removal of poor Persons from one Parish to another, shall be proceeded upon, unless Notice be given by the Church-wardens or Overseers who make such Appeal, to the Church-wardens, &c. From which such Poor shall be removed, the Reasonableness of which Notice shall be determined by the Justices at the Quarter-Sessions to which the Appeal is made; and if reasonable Notice is not given, the Appeal shall be adjourned to next Quarter-Sessions, and there be finally determined. After 24 June 1723, if the Justices at their Quarter-Sessions in any Appeal concerning the Settlement of a poor Person, shall determine in Favour of

Precedents concerning the Poor. 387 of the Appellant, that such poor Person was unduly removed, they shall order to the Appellant so much Money as shall appear to them to have been paid by the Parish on whose Behalf such Appeal was made, for Relief of the poor Person between the Removal and Determination of the Appeal, to be recovered as Costs upon any Appeal are prescribed to be recovered by Act. 9 W.3.

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